

A
S P E E C H,

INTENDED TO HAVE BEEN DELIVERED IN THE

HOUSE OF COMMONS,

IN SUPPORT OF THE

P E T I T I O N

FROM THE

GENERAL CONGRESS

A T

PHILADELPHIA.

BY THE AUTHOR OF AN APPEAL TO THE JUSTICE
AND INTERESTS OF GREAT-BRITAIN.

Arthur Lee

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2 P E T E R

HOUSE OF COMMONS

IN SUPPORT OF THE

2 P E T E R

FROM THE

SIR,

I AM PLEASED TO HAVE THE HONOUR OF YOUR ADDRESS

I support a Petition from the General Con-
grets in America to our common Sovereign.
That Petition is now before you, for your con-
sideration. But the matter of this Petition is so
momentous, the consequences of your deter-
mination upon it are so great and extensive, that it
may well command your most serious attention.
Some hours attention may surely be indulged to
the voice of reason and supplication, in a cause
that concerns to every individual the Crown, the
Constitution, and in the subject of this extended
Empire.

I shall endeavour to show you, Sir, that the
grievances set forth in this Petition are real,
dangerous, and alarming; that they have directly
and deeply affected the general welfare of your fellow-
subjects—property, personal liberty, and life. If
I succeed in this attempt, when I find it will be
impossible for the Representatives of the People
can refuse relief, and send me away in despair.

The first grievance stated by the Petitioners is
That a standing army has been kept in these Co-
untries

A

S P E E C H, &c.

S I R,

I APPEAR in this Honourable House to support a Petition from the General Congress in America to our common Sovereign. That Petition is now before you, for your consideration. Sir, the matter of the Petition is so momentous, the consequences of your determination upon it are so great and extensive, that it may well command your most serious attention. Some hours attention may surely be indulged to the voice of reason and supplication, in a cause that concerns so very materially the Crown, the Constitution, and all the subjects of this extended Empire.

I shall endeavour to shew you, Sir, that the grievances set forth in this Petition are real, dangerous, and alarming; that they strike directly and deeply at the dearest privileges of your fellow-subjects—property, personal liberty, and life. If I succeed in this attempt, then I trust it will be impossible the Representative of a Free People can refuse relief, and send me away in despair.

The first grievance stated by the Petitioners is,
That a standing army has been kept in these Co-
lonies,

lonies ever since the conclusion of the late war, without the consent of their Assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes.

Sir, the principle of English liberty, as declared at the Revolution, is, that the Crown shall not keep a standing army independent of the people among whom it is kept. With regard to the Realm of England, the declaration is—
 “That the raising or keeping a standing army within the Kingdom, in time of peace, unless it be with consent of Parliament, is against Law (a).” The Parliament being the guardian power for the people of England, and of which their Representatives made a part, this controul was sufficient to shield them from the danger of an army kept without their consent. But this was no constitutional protection to Scotland; and therefore the Scots had their declaration, which comes directly to our point. These are their words:—“That the sending of an army, in a hostile manner, upon any part of the Kingdom, in a peaceable time, is contrary to Law (b).”

With how much more propriety, Sir, may the Colonies declare, “That the sending an army among them in an hostile manner, to collect taxes not authorised by the consent of their Representatives, and to enforce laws made without their consent, is dangerous, arbitrary, and illegal?” Under such a power in the Crown, that security to the liberties of the subject, which is the constant care and provision of the Law and the Constitution, could not exist; their

(a) Declaration of Rights for England.

(b) Declaration of Rights for Scotland.

Repre-

Representatives would cease to be any longer their shield; and arbitrary power would soon be established upon the ruin of their undoubted rights.

2d. The authority of the Commander in Chief, and under him of the Brigadiers-General, has, in time of peace, been rendered supreme in all the Civil Governments in America.

Sir, I should be grieved if the very mention of this fact did not excite the indignation of this House; which being entrusted with the guardianship of the Civil Rights of the People in Great Britain, must know that such an institution in this country would be inevitably fatal to our free Constitution. It is, in fact, lifting the Sword above the Law; which is precisely the definition of despotism. The Civil Power can no longer subsist, no longer protect the Civil Rights of the People, when the Military Power is advanced above its controul. This is to cut short all intermission, and subvert at one blow the whole Constitution. What would be arbitrary and tyrannical to the subject here, must be equally so there. *Cælum non animum mutant, qui trans mare currunt.* If you consider the Americans as endued with the same feelings, and vested with the same human rights by the God who is our common Maker, you will then perceive, nay feel, that a violation of those rights must be as atrocious to them as to you. But if you deny them this common nature and these common rights, it is time they should look to themselves, and appeal to that Almighty Being to protect them in what he gave. For, without any question, the rendering the Military Power supreme is totally incompatible with any shadow of liberty or safety, and cannot be endured. It is my duty to state these things to the House, that unless it

be determined to drive the Petitioners to all extremities, their grievances may be redressed.

3d. The Commander in Chief of all his Majesty's forces in North America has, in time of peace, been appointed Governor of a Colony.

A jealousy of their liberties, Sir, is so much the characteristic of true Englishmen, that the same spirit in the Americans should be a noble proof to you, that they are the undegenerated descendants of their British ancestors. And surely, Sir, the appointment of that Commander in Chief, whose Military Power had been made supreme over the Civil, was sufficient to awaken that jealousy from its soundest sleep. The person so appointed gave them an immediate proof of the extraordinary power with which he thought himself clothed. He substituted his proclamation for Law, in a point the most delicate, the most dangerous, and the most guarded within the whole code of Criminal Law. He has declared a new kind of treason; and as he cannot be unacquainted with his incapacity to do this in his limited office of Civil Governor, it must have originated in the plenitude of his power as Commander in Chief (c).

This appointment is therefore justly alarming to all the Colonies; and is for that reason stated as one of their grievances.

4th. The charges of usual Offices have been greatly increased; and new expensive and oppressive Offices have been multiplied.

By the Acts of the 4th and 6th of the present Reign, the useless restraints laid on going to foreign markets; the enlargement of the list of enumerated commodities; the multiplicity of

(c) See Governor Gage's Proclamation, June 29, 1774.

bonds required in addition to that for enumerated goods, which bonds the Officers of the Customs have extended to little coasters going from one town to another in the same province; the sufferances, cockets, and certificates, obliged to be taken out by small coasting vessels, under strict pains of forfeiture; the making the sureties, in the various bonds, liable upon the most trifling neglect of the masters of the little vessels; all these, and innumerable other regulations, have operated to increase intolerably the charges in the coasting trade from one shilling to near sixteen; to entangle the fair trader in an almost inextricable labyrinth of legal proceedings, laying him at the mercy of the Revenue Officers; and to render trade hazardous, difficult, tedious, and perplexed.

The inevitable consequence of these severities and restraints is, to compel the people to turn smugglers, or to bribe the Officers to dispense with these unnecessary and rigorous forms. Thus, one way or other, the Laws are unprofitable to the Revenue, and oppressive to the People.

The authority of the Commissioners being unlimited, they have appointed an infinite number of inferior Officers, whom the masters of vessels are compelled to receive and lodge on board, however abandoned and flagitious their characters may be. Every Officer of the Navy having a Revenue Commission subjects trading vessels to be perpetually stopped, searched, insulted, and sometimes plundered, so as to distress and impede trade as much as human invention or malignity can contrive. In consequence of all these regulations and powers, twenty-three sail of vessels were, in a small space of time, seized and detained; but no proof appearing against them, they were dismissed without

out any reparation of damages, the Law having precluded the sufferers from suing for it.

The sole reason for all these restraints and rigours is, that smuggling was carried to such a pitch as to render those severities necessary to the preservation of the Revenue. Of what validity this is, let Governor Bernard bear witness. His testimony when in favour of the people, will be deemed, I presume, unimpeachable and conclusive:—"I do not preterid," says he, "that this Province is *entirely free* from the breach of these Laws (the Laws of Revenue), but only that such breach, if discovered, is surely punished (d)." This was the fact in 1763, the very year before the commencement of all these severities and restraints. What country upon earth, that has Laws of Revenue, is entirely free from a breach of them? And what more can be said for the justice of the best people, than that the *breach, if discovered, is surely punished*? May I not then, Sir, with confidence affirm, that this Article of complaint is just, and the causes of it unnecessary, unwarrantable, and cruel?

5th. The Judges of Admiralty and Vice Admiralty Courts are empowered to receive their salaries and fees from the effects condemned by themselves.

Sir, this provision is made by the King's Commission. At the same time it is proper to observe, that these Judges are also dependant on the King for their appointment, and continuance in their office; and that in every cause on which they determine, the King is a party. I will now submit to this House, whether the most cunning ima-

(d) Select Letters by Governor Bernard.

gination could devise a more effectual means of perverting justice, than by rendering the Judge the creature of one party, and payable out of the fruits of his determination against the other. It is not to tempt him only, but to compel him to injustice. Man must be made of different stuff from what human nature is or ever was composed of, to resist its effects. Will you then, Sir, and this Honourable House candidly consider, what must be the situation of every man in America, under the prospect of having his property, should it once get upon the water, at the disposal of such a Judicature? Can he, from its very constitution, hope for justice? Is it no grievance, or is it an inconsiderable grievance, to be cut off from all hope of justice, where the property of the subject is so much concerned?

Sir, it is curious, and may be of utility to observe the origin and progress of this evil. By the Acts of Navigation and the 15th of Charles the Second, for regulating the Commerce of the Plantations, Revenue suits are ordered to be brought in the Courts of Record. The 7th and 8th of Will. III. gives the Admiralty jurisdiction for forfeitures incurred under that Act. But they usurped more powers, and in the year 1720, the Council to the Board of Trade reported against them on reference, and advised an Act of Parliament to reduce and regulate them. But instead of this, the 4th of Geo. III. gave them original jurisdiction in all cases of Revenues, to which the Stamp Act added an appellate jurisdiction, which following with the repeal of that Act, was soon revived. Hitherto the Revenue questions had been confined to the Admiralty Court of each Province. But in the years 1764 and 1765, four Courts of Vice-Admiralty were appointed for the whole

whole Continent, with original jurisdiction in all Revenue causes.

Upon the whole, then, this affair stands thus: By the 5th of Geo. III. it was enacted, "that the
" forfeitures and penalties inflicted by this or
" any other Act or Acts of Parliament relating
" to the Trade and Revenues of the said British
" Colonies or Plantations in America, which shall
" be incurred there, shall and may be prosecuted,
" sued for, and recovered in any Court of Re-
" cord, or in any Court of *Admiralty*, in the said
" Colonies or Plantations where such offence
" shall be committed, or in any Court of *Vice*
" *Admiralty* which may or shall be appointed
" over all America, at the *direction of the in-*
" *former or prosecutor.*"

It being thus put in the power of the informer to have the cause brought into this last Court, it could hardly have been apprehended that he would neglect commencing the prosecution where he was sure of partiality, if not of injustice, in his favour. But to guard against a possibility of the subject's escaping this tremendous Court, another Act, the 8th Geo. III. revives the right of appeal from the Admiralty to the Vice-Admiralty Courts in their respective jurisdictions. Nor does the tenderness and attention to informers end here; but that the unhappy American subject may be harrassed without hope of redress, it is provided, by the 46th Clause of the former Act, "That if judgment be
" given in favour of the subject, and it shall ap-
" pear to the Judge (to such a Judge) that there
" was a *probable cause* of seizure, the subject shall
" not be entitled to any costs of suit whatsoever,
" nor shall the person who seized the ship and
" goods be liable to any action or prosecution on
" account of such seizure."

Here

Here let us stop, Sir, and consider for one moment the situation of the American subject under those laws. He is exposed to the malevolence of informers, who are tempted to harrals and injure him by a prospect of gain and certain impunity; the sacred trial by Jury is taken from him—his property, seized for the King, and claimed by him, is in the arbitration of the King's Judge; totally dependant on the will and pleasure of the Crown, and participant of the monies arising from the condemnation.---He may be compelled to go from one end of the Continent to the other, from St. Augustine to Hallifax; to reclaim his vessel and cargo before such a Court; and if his cargo should be of a perishable nature; the total loss of that, the immense expence of a suit so circumstanced; together with a ruinous interruption of his trade and loss of time, are not entitled to a shilling reparation. In all this we surely may perceive, that neither the peace nor property of the American subject was considered when these Laws passed; and yet they were as much considered, as he can reasonably expect they ever will be, where he has neither representation; connection, nor influence.

One would have imagined, Sir; that the measure of American oppression was now full; and that even tyranny itself could hardly have wished to render property more insecure; or the subject more miserable, than by encouraging and protecting informers; and establishing a partial Court, wherein, divested of his right of trial by Jury, he could never hope for justice. But as long as any forms of Law in favour of the People obstructed the Officers of Revenue in entering where they chose, and seizing what they pleased; all the rights of men and of British subjects could not be wan-

tonly trampled upon by these kind of men, who may be made the tools of public despotism, or private vengeance. These bars, however, were soon removed, as we shall find in the next article.

6th. The Officers of the Customs are impowered to break open and enter houses, without the authority of any Civil Magistrate.

The 7th of his present Majesty's Reign, c. 41. enables the Crown to appoint Commissioners of the Customs in America, *with the same powers and authorities as were, before the passing this Act, exercised by the Commissioners of the Customs in England, by virtue of any Act or Acts of Parliament now in force.*

Let us then see, Sir, what are the powers given by Law to the Commissioners of the Customs in England.

It is enacted by the 12th Car. II. ch. 19,
 " That if any person, or persons, shall cause to
 " be loaded or conveyed away any customable
 " goods, without due entry and payment of the
 " Customs, then, and in such case, *upon oath*
 " thereof made before the Lord Treasurer, &c.
 " or Chief Magistrate of the part or place where
 " the offence shall be committed, or the place
 " next adjoining thereunto, it shall be lawful to
 " and for the Lord Treasurer, &c. to issue out
 " a *warrant* to any person, or persons, thereby
 " enabling him or them, with the assistance of
 " the Sheriff, Justice of Peace, or Constable, to
 " enter into any house, *in the day time*, where
 " such goods are suspected to be concealed.
 " Provided always, that no house shall be en-
 " tered by virtue of this Act, unless it be in the
 " space of *one month* after the offence supposed
 " to be committed. Provided also, that if the in-
 " formation whereupon any house shall come to
 " be

“ be searched, shall prove to be false, that then,
 “ and in such case, the party injured shall re-
 “ cover his *full damages and costs* against the In-
 “ former, by action of trespass to be therefore
 “ brought against such Informer.”

In this country, then, the security of the sub-
 ject is, that the King's Officers cannot enter his
 house but by warrant on oath, guarded by the
 presence of a Peace Officer—in the day-time—
 within one month after the supposed offence—and
 that a false information is subject to damages and
 costs.

If it shall appear, Sir, that all of these secu-
 rities, one only excepted, are taken from the
 subject in America, I trust that this Honourable
 House will, to a man, pronounce it arbitrary and
 unconstitutional. Yet, so it is; for

His Majesty's Commission empowers the Com-
 missioners, Collectors, Deputy-Collectors, Ministers,
 Servants, and other Officers, “ from time to
 time, at their, or any of their *wills and plea-*
tures, in the day time, to *enter and go* into any
 warehouse, shop, cellar, and other place, where
 any goods, wares, or merchandizes lie concealed,
 or are *suspected to lie* concealed, whereof the
 Customs or other duties have not been paid; and
 the said house, warehouse, shop, cellar, and
 other place, to search and survey, and all and
 every the trunks, chests, boxes, and packs, then
 and there found, to *break open*.”

Under the operation of this Commission, a man's
 house in America ceases to be his castle. His
 papers, his property, his private concerns, his
 domestic retirement, and even the honour of
 his family are at the mercy of any ruffians who
 may be occasionally employed in the Customs.
 It is true, the powers of this Commission have

not been executed in their full extent, because, Sir, the bearers of it did not find passive obedience enough in the Americans to render the experiment safe. But the very existence of such powers is a dangerous indignity which a Free People ought not to endure. Judge Blackstone has told us truly, and, what is of ten times more authority, the heart of every Freeman tells him, that "the true Liberty of the Subject consists not so much in the *gracious behaviour*, as in the *limited powers* of the Sovereign (e). It is the glory of the British Subject, that he is governed by *Law*, and not by *Will*." *Anglorum populi, propria Libertas.*

8th. The Judges of Courts of Common Law have been made entirely dependent on one part of the Legislature for their salaries, as well as for the duration of their commissions.

The former establishment was, that the Judges were appointed by the Crown, *durante bene placito*; and the Representatives of the People voted their salaries yearly. Thus being balanced equally, they were kept in the middle line of their duty. If they acted with partiality against the people, they hazarded their salaries; if against the Crown, their places. But this impartial administration of justice not favouring the views of Governors Bernard and Hutchinson, they represented constantly against it; and in the year 1772, the Judges' salaries were ordered to be paid out of the Revenue, raised without the consent of the People, and not by grants from the Assembly.

Nothing could have alarmed the People more than this measure. It destroyed totally that check which secured an equal dispensation of Justice.

(e) Comment. V. iv. p. 426.

It rendered their lives, liberties, and property insecure, while in the arbitration of Judges dependent for their seats, their pay, and their promotion upon the Crown. The independency of the Judges is so obviously essential to a due administration of the Laws, and this to the Liberties of the Subject, that no doubt could be entertained of the intention with which they were rendered dependent. The political history of their parent country had taught them the evils their ancestors had experienced from the conduct of Judges so circumstanced, even with the terror of impeachment to restrain them from partial and arbitrary decisions. They knew, Sir, that this was one of the first grievances complained of in the oppressive reign of Charles I. Nor had they forgot how much due praise his present Majesty received for rendering the Judges of England still more independent, by establishing their salaries for life. They saw with concern the principles which apparently governed that Act entirely reversed, and so fatal a distinction made between his Majesty's subjects in Great Britain and America. They therefore represented in their Addresses and Petitions, "That as the Judges held their places *during pleasure*, the enjoyment of their salaries from the same hand, and during the same pleasure, was big with the most fatal evils."

9th. Counsellors holding their Commissions during pleasure exercise legislative authority.

This institution is one of the principal objects in the regulating Act of last year, for subverting the chartered rights of the Colony of the Massachusetts Bay. By their charter, the Council, which constitutes one branch of the Legislature, was chosen annually by the Representatives of the People,

People, and approved of or rejected by the Governor. This mode operated as a check on each side, and rendered that body as nearly similar to the House of Lords as possible, in point of impartiality and independence. For a dependence on both the Crown and the People made them in effect dependent on neither, when in opposition; and thus they maintained that constitutional ballance for which the middle branch of the Legislature is calculated. But as a system unhappily prevails, of diminishing the influence and dignity of the democratic part of the Constitution, in order the more effectually to abridge the Liberties of the People, the Members of the Council, now rendered dependent on the Governor for their appointment, and continuance in office, are authorized to persevere in the exercise of Legislative authority. Thus the Crown comes into possession of two branches of the Legislature, dependent on its mere will and pleasure for their existence. By this manœuvre the ballance of the Constitution is entirely destroyed, and the middle branch of the Legislature, instead of being a salutary check on the other two, is a dangerous instrument in the hands of the Crown against the Liberties of the People.

This innovation is justified by the example of many other Colonies, in which the same practice prevails. But in them it is felt as an evil, and known to be an usurpation. They have no legal authority for acting as a separate branch of the Legislature; they had no such power at the beginning of their appointment; and the steps by which they gradually assumed it, have been clearly pointed out (*f*). It is therefore conceived to be a

(*f*) See an Answer to Considerations on the Proceedings in South Carolina, and the History of Jamaica, V. I. p. 167 and 203.

very strange doctrine, that a dangerous usurpation upon the Constitution in one Province shall justify a deliberate violation of the chartered rights of another; that instead of repressing evils you should extend them, and substitute imperfection in the place of what before was perfect. In days less evil, and with men less inimical to Constitutional Liberty than our present Ministry, it would have seemed more proper to argue, that, as the Constitution was more perfect, and better modelled after that of England in one Province than in others, the better form should be communicated to all, and the Councils through all America be rendered independent. But this, Sir, is not the day of salutary reformation.

That the People are alarmed at this institution of the Council, will not, I hope, be imputed to a factious spirit, or to the perverted judgment of over-heated imaginations, when I shew you, that a learned Judge, now living, has deliberately declared, That if such a case should happen, the Constitution would be destroyed. "For if ever," says he, "it should happen, that the independence of any one of the three branches of the Legislature should be lost, or that it should become *subservient to the views* of either of the *other two*, there would soon be an end of our Constitution (g)."

10th. Humble and reasonable Petitions from the Representatives of the People have been fruitless.

It is painful, Sir, to wade through such a mass of injuries as have been accumulated upon your unhappy fellow-subjects in America. Seven years of supplication for redress has produced only re-iter-

(g) Blackstone's Comment. V. I. p. 59.

ation of wrongs; and complaints have been invariably followed by additional irritation. Perhaps nothing can more effectually embitter the cup of human woe, and render it intolerable, than derided complaints, and ineffectual supplication. I do not know a single instance in history, wherein rulers have not sooner or later experienced the fatal consequences of despising the complaints of the People, and aggravating their injuries. It is an observation of Cicero, and ought to be written in letters of gold; "That the hatred of the people is able to ruin the most absolute authority."

Sir, every Assembly in America long ago, that is, at the re-commencement of the unconstitutional system of taxing them without their consent, petitioned all branches of the Legislative for redress. Since that, the Assembly of the Massachusetts Bay have repeatedly sent their supplications to the Throne for the same purpose. What has been the consequence? The Petition now before you, the last I conceive with which America will ever trouble this Country, if it be rejected, tells you they have been fruitless. Would to God, Sir, they had been only fruitless! The petition for redress of one grievance has been the fertile mother of a thousand more. Was the Revenue Act complained of? Troops were quartered in their towns, directly contrary to an Act of Parliament, to enforce it with military vigour? Did they state that their trade was embarrassed and impeded by the perpetual stoppages, searchings and seizures of their vessels upon frivolous pretences?—The men of war were suffered to harrass them still more by pressing their sailors, in violation of another express Act of Parliament to the contrary. Did they represent the grievance of being tried in all Revenue causes without Jury, and by a depend-
ent

ent Judge?—It is answered, By rendering all their Judges dependant, by ordering them to be seized upon for felonies and treasons without any intervention of a Grand Jury, and brought over to England in order to deprive them of the sacred trial by a Jury of the vicinage. Their complaint against their Governor, for having secretly advised the abridgment of their chartered rights, was answered by an Act of Parliament actually abridging, or rather totally subverting them. Instead of restraining the military power, which, to the great alarm and danger of the People, had been advanced above that of the Civil Magistrate, an Act was passed to encourage murder, by rendering it impracticable to bring the perpetrators of it upon the People of the Province to public justice. In fine, the uneasiness of the Town of Boston under the vexatious restraints imposed upon her trade, and a military power forced upon her, was removed by taking away her Port, and blocking up the Town both by sea and land.

These, Sir, are facts of common notoriety. They are grievances that cannot be endured—they cannot come to good.

But alas, Sir, their Petitions have not only been thus fatally productive of accumulated griefs, but even the very attempt to represent their grievances was branded by the Earl of Hillsborough, in his Majesty's name, as tending to create unwarrantable combinations, and to excite an unjustifiable opposition to the constitutional authority of Parliament. They were commanded, under pain of dissolution, to rescind the very Resolution that gave birth to a Circular Letter from one Assembly informing the rest, "That the House
" had humbly represented to the Ministry their
" own sentiments, that his Majesty's high Court

“ of Parliament is the Supreme Legislative Power
 “ over the whole Empire ; that in all free States
 “ the Constitution is fixed, and as the Supreme
 “ Legislative derives its Power and Authority from
 “ the Constitution, it cannot over-leap the bounds
 “ of it without destroying its own foundation ;
 “ that the Constitution ascertains and limits both
 “ Sovereignty and Allegiance, and therefore his
 “ Majesty’s American Subjects, who acknowledge
 “ themselves bound by ties of Allegiance, have an
 “ equitable claim to the full enjoyment of the
 “ fundamental rules of the English Constitution ;
 “ that it is our essential, unalterable right in na-
 “ ture, ingrafted into the British Constitution as
 “ a fundamental Law, and ever held sacred and
 “ irrevocable by the Subjects within the realm,
 “ that what a man has honestly acquired is ab-
 “ solutely his own, which he may freely give,
 “ but which cannot be taken from him without
 “ his consent ; that the American Subjects may,
 “ therefore, exclusive of any consideration of
 “ Charter Rights, with a decent firmness adapt-
 “ ed to the character of Freemen and Subjects,
 “ assert this natural Constitutional Right ; that as
 “ they have too much reason to believe, that the
 “ enemies of the Colonies have represented them
 “ to his Majesty’s Ministers and the Parliament as
 “ factious, disloyal, and shewing a disposition to
 “ make themselves independent of the Mother
 “ Country, they have taken occasion, in the
 “ most humble terms, to assure his Majesty and
 “ his Ministers, that, with regard to the People of
 “ this Province, and, as they doubt not, of all
 “ the Colonies, that charge is unjust.”

This, Sir, is the Letter which roused such re-
 sentment, and kindled such wrath in his Majesty’s
 Ministers, which they loaded with such opprobri-

ous epithets, and for which they have incessantly pursued that devoted Province with the mighty vengeance of all the excited powers of King and Parliament.

Will you, Sir, for a moment condescend to consider the situation of the Americans? If they attempt to remonstrate against the power of Parliament as of late exercised over them—they are told it is offending against the Supremacy of the British Legislature, and they will suffer the most exemplary punishment. If they only pray for redress of certain measures which they feel as grievances,—the answer is, You are exciting an unwarrantable opposition to the constitutional authority of Parliament, and That too shall be severely punished. This exceeds even Roman despotism, under which Cicero tells us that *servientibus animis, gemitus tamen Populi Romani liber fuit*.

Thus complaint begets accusation; and accusation, punishment. Yet I do not claim your compassion. No, Sir; men contending and suffering in the great cause of Public Liberty, are objects not of pity, but of respect and veneration. I call upon your justice, your magnanimity to approve their virtue, and restore their rights.

11th. The Agents of the People have been discountenanced, and Governors have been instructed to prevent the payment of their salaries.

When Governor Bernard adopted the system of inflaming the King and his Ministers, the Parliament and the People of Great Britain, against the Province in which he presided, by the most malignant misrepresentations, the Representatives of the People found it necessary to appoint an Agent to convey a true representation of their grievances, and their prayers for redress, to the

Throne and the Two Houses of Parliament. Mr. De Berdt was appointed for this purpose the 7th of November, 1765. He was admitted, as Agent, at the Board of Trade, without the least question, under different Administrations, and Gov. Bernard gave his assent to a Bill for the payment of his salary so late as the year 1768.

It happened soon after to be the duty of the Agent to convey the complaints of his constituents to the Throne, both against the Minister and the Governor. In this business, a faithful, honest Agent was found exceedingly troublesome. Such representations were therefore made by the Governor, and such Instructions sent by the Minister, as incapacitated the House from paying their Agent, unless they would have one approved of by the very persons against whom it might be his duty to act. This measure needs no comment. It is not in human depravity to devise an act of more gross injustice, than that of debarring men of the means of defending themselves when accused, and of complaining when injured.

Repeated application has been made for the removal of this iniquitous Instruction without any effect. They have added, indeed, insult to injustice. It lives in the memory and in the indignation of multitudes, who were witnesses to the indecent scene, when the present Agent for the Massachusetts Bay, whose character is held in veneration wherever the lights of philosophy have penetrated, was treated at the Council-table with the grossest indignities that virulency and invective could invent, not only without reprehension, but with the most manifest approbation and encouragement of their Lordships. I will venture to affirm, Sir, that there never was an instance before, in which a great and grave assembly of Judges so flagrantly sacrificed

ficed the dignity of place and character to unbecoming spleen and pitiful resentment.

12th. Assemblies have been repeatedly and injuriously dissolved.

It is above seven years since the commencement of this fatal dispute; and in that time every Assembly on the Continent has been repeatedly dissolved, for presuming to enter into a consideration of their grievances. We have seen the Secretary of State's order to dissolve the Assembly of the Massachusetts Bay, if the House of Representatives did not obey his mandate for erasing a record of their Resolution to petition for a Redress of Grievances. The dissolution was punctually executed. The same order was sent to all the other Governors, if the respective Assemblies did not treat with contempt a Circular Letter from the Massachusetts, to inform them of its having petitioned the Throne for relief. It appears, Sir, from one of the Letters upon your table, that the Earl of Dunmore lately dissolved the Assembly of Virginia for ordering a fast to be held upon the calamity of a Town in America being subjected to ruin, by being condemned upon suspicion and unheard. This dissolution left that Colony without a Fee-Bill necessary to the administration of Justice; in consequence of which the Courts of Law have been ever since shut up, no new Assembly having been yet called.

Thus, Sir, this great Prerogative, which was given to be exercised only on occasions of moment and magnitude, when the very being of the State requires it, is unduly employed, at the direction of spleen and caprice, to harass the People and their Representatives, and suppress all freedom of deliberation and debate. The general instruction to the Governors seems to be,

" That

“ That they shall dissolve their Assemblies whenever they enter upon the consideration of their grievances.” Yet, when thus precluded in their ordinary Assemblies, if they meet in Congress for the same purpose, their meeting is denominated illegal, and their complaints rejected. The consequence is, Sir, that they must hush their griefs in silence, or express them in that last appeal, which will cut them off from this Country utterly, and for ever. It would be easy to determine speculatively the effects of such measures; but we have had full experience, in this country, how mischievous and fatal the attempt is to stifle the just complaints of the People, by insulting their Representatives. Need I, Sir, recal to your mind, that the same means were used by the Ministers of King Charles I. when their aim was to establish arbitrary government in this country. Your Journals will bear witness to the fact, and have recorded it as a grievance. The use of similar means infers similar intentions. It is therefore natural for the People of America to feel this proceeding, as your ancestors did, grievous and alarming.

I have already stated the useless and oppressive restrictions with which their commerce has been burthened: I am now, therefore, to proceed to the great source of the disturbances we lament—the giving and granting the property of the People of America in this Assembly, where they are not represented. Sir, so much has been said on the right to do this, that nothing but inspiration can throw new light upon the subject. You exercise the sole and incommunicable right of giving the money of the People of Great Britain, because you represent them; you claim the right of giving that of the People of America, be-
cause

cause you do not represent them. Is there no repugnancy in this? The People of Great Britain are bound by the grants of this Assembly, because it consists of Representatives chosen by themselves, under the controul of a re-election, communicating with the body at large, and participating in the burthen of the taxes they impose; the People of America are to be bound by its grants, though it contains not one Representative chosen by them, is not under any controul from them, and neither communicates with them, nor partakes in their burthens. Representation is imperfect in Great Britain, therefore it should be abolished in America. Copyholders do not vote in Great Britain; therefore freeholders ought not to vote in America.

It would be endless, Sir, to enumerate the multitude of similarly cogent and conclusive arguments on which this claim is founded. I have but one word more to say upon it. I stand at your bar, Sir, the least of my countrymen in ability; yet I am bold to throw down my gauntlet to the whole host of your Law, and at the hazard of my life defy them to produce one avowedly legal or constitutional instance of taxation without representation; I mean an unequivocal, unquestionable instance. Instances there certainly are; but they have been declared totally illegal by those most solemn Acts, the Statute *de taillagio non concedendo*, and the Revolution. If then Taxation and Representation have ever been constitutionally united, is not the disunion of them now a fundamental violation of Constitutional Liberty? If the attempt to disunite them has been legally resisted in this Country, how comes the same resistance in America to be Rebellion? If it is in consequence of that resistance
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only that you sit here the effective Representative of a free People, upon what principle can you condemn it in your fellow-subjects of America? There is no magic in the word Parliament, which makes it necessarily compatible with freedom to be bound by its law in all cases whatsoever. It is the part that the People have in the Constitution of Parliament which renders it protective of liberty, gives security to the subject, and makes them happy in living under the Laws only to which they have consented. Take away this intervention of the People, and Parliament will become only a plausible instrument of tyranny; more formidable than the Decemviri at Rome, or the Ducentumviri at Athens. Yet under this pretext, which I can hardly call specious, That Parliament, not in essence but in name, is the sovereign constitutional Legislative in all cases whatsoever, are the Americans to be subjected to a Government, in the Constitution of which they have no part; and required to pay obedience to Laws, to which they have not given their assent. Is it possible, Sir, that you can conceive a more compleat and perfect state of slavery, than that in which the community is subject to a power over which they have no check or controul, in all cases of life, liberty, and property? Yet, in the moment that you are subjugating the Americans to this bondage, they are insulted with the mockery of being told, that your example ought to teach them "to have a due reverence for the Laws, " and a just sense of the blessings of our excellent " Constitution." To mock them with the excellence of that Constitution of which you have deprived them, is putting human patience to the last trial, and urging them to desperation.

So

So much, Sir, for the right—The expediency of exercising it, even if just, may be very briefly discussed.

A multitude of Colonies, as various in their interests and abilities as in their situations and pursuits, are to be included in one general Tax, imposed by men who are not, and never can be intimately acquainted with any one of them, so as to adapt the imposition to the ability, the temper, the customs, and even the prejudices of the People. Sir, it is inevitable that the exercise of the right, in such circumstances, must produce so many insupportable severities as to drive the tamest people upon earth into resistance. It would beget a tyranny worse than that of Turkey. For the Grand Signor and his Divan, absolute as they are, leave the mode of raising the sums they require to the Provinces themselves. But there is still a consideration that would aggravate this oppression. The People are taxed already, and are liable to be taxed indefinitely by their Provincial Legislatures. Let us suppose, then, that these two taxing Powers, not communicating with one another, should fix upon the same Tax—a Poll-Tax, for example. The Sheriff, who is the Provincial Collector, comes clothed with the Civil Power of the Crown; the Soldier, who I understand is to be the Parliamentary Tax-gatherer, comes armed with the Military Power of his Majesty. Which of the two is the poor man to obey? or is he to pay double for wearing his head, and more perhaps than the labour of his hands can possibly procure? Sir, in whatever light you view this assumed Power of Taxation without Representation, it is so unconstitutional, inexpedient, and oppressive, that no honest man, uninfluenced by those prejudices and jealousies

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which

which have been grafted upon men's minds with ten years' wicked industry, would bear the idea.

The Petitioners, therefore, may justly hope, that the first moment's cool consideration will convince you, that to take their property from them without their consent, is a grievance of the first and most dangerous magnitude; and that all the Laws to that effect ought therefore to be done away.

14th. Both Houses of Parliament have resolved that Colonists may be tried in England for offences alleged to have been committed in America, by virtue of a Statute passed in the 35th H. VIII. and in consequence thereof, attempts have been made to enforce that Statute. An Act was passed in the 12th year of his Majesty's Reign, directing that persons *charged* with committing any offence therein described, in any place out of the Realm, may be indicted and tried for the same in any Shire or County within the Realm; whereby the inhabitants of these Colonies may, in sundry cases by that Statute made capital, be deprived of a trial by their peers of the vicinage.

Sir, by the operation of this Law, every possibility of proving his innocence, under a charge the most grievously punishable of any in our Law, is taken away from every man in America. The giving him the indictment, and names of the witnesses against him, a certain number of days before his trial, which are provisions by Law, in all prosecutions for Treason, to prevent surprise, and enable the accused to be prepared for his defence against so heavy a charge, would be utterly ineffectual (*b*). For to what end would a few days

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(*b*) By the 2d Ann, c. 21. all persons indicted for High Treason, or Misprision thereof, shall have not only a copy of the

be given to a man whose witnesses were three thousand miles distant? There is no compulsory process in the Courts here, to call witnesses from America. And if there were, there is no time to serve it. The procrastination that would furnish this time, were it attainable, would necessarily subject the accused to a long imprisonment and imputation that might be ruinous to his health, his credit, and his affairs. Were those who could exculpate him ever so able and willing to undertake so long and expensive a voyage, yet not knowing the charge, and still less the particular parts of it to which his evidence should be directed, how is it possible he should come prepared for his defence? The character of those witnesses who support a criminal accusation is very material in a man's defence. But without knowing who these witnesses are till he is brought here, in what manner is he to prove the infamy of their character, or the premeditated malice of their testimony, however notorious in America? In these circumstances, who is it could escape from a prosecution for Treason, supported by all the powers of Government? When from the nature of the proceeding accusation becomes evidence, and trial conviction, who is it will escape punishment? The tyranny of Imperial Rome was a stranger to such violence as this. The Appeal to Cæsar was in behalf of the accused, and at his option, not in that of the accuser. Nor is it wonderful that this Law is of a deeper die than any other arbitrary institution, since it was made in the reign of the

the Indictment, but a list of all the Witnesses to be produced, and of the Jurors empanelled; with their professions and places of abode, delivered to him ten days before the trial, and in the presence of two witnesses; the better to prepare him to make his challenges and defence.

most abhorred tyrant that ever trampled upon the rights of Humanity. It was "particularly in this bloody Reign of Henry VIII. that the spirit of inventing new and strange Treasons was revived (i)."

The Law for bringing over persons charged with certain felonies is big with the same injustice. It must be observed, that the ground of subjecting the American to be dragged, like a felon, three thousand miles from his family, his friends, and his affairs, is a—charge only; therefore, a man of the best character in America may, at the charge of the basest, be seized upon, forced to Great Britain in chains; and when brought to his trial, if no evidence appear against him, he is dismissed, after perhaps half a year's imprisonment, to return as he can to his afflicted friends. I have taken the most favourable supposition of no evidence appearing against him; because should any appear, however refutable or irreputable it may be, yet as he cannot have any for him, he must fall an inevitable sacrifice, not to his crime, but to the cruelty and injustice of the Law.

Is there, Sir, a man in this House, or in this Kingdom, who could sleep in peace while such an instrument of oppression and of death hung over his head? Reverse the proposition, and suppose any one of you liable to be seized upon, and transported to America, to be tried for felony, upon a charge only. What would be your feelings, your anxieties, your resentments? Even such are those of America. And are you then surprised that all America is in resistance to such Laws?—Can you call that resistance criminal, much less Rebellion? You would yourselves resist,

(i) Blackstone's Comm. V. IV. p. 86.

no doubt, and boldly hazard every extremity rather than submit to Laws fundamentally cruel and unjust.

But, Sir, I have heard it said, that the dignity of Parliament is wounded by this resistance. Can any man, then, so torture language as to call despotism dignity? Can you so err from common-sense as not to know, that true dignity consists in doing right, and maintaining justice? It is a Russian dignity at least, that because it has done wrong, perseveres in it; and substitutes will and error, for justice and reason.

The resistance complained of is the natural consequence of these causes. Judge Blackstone shall be my witness:—"Indeed it is found by experience," says he, "that whenever the unconstitutional oppressions, even of the Sovereign Power, advance with gigantic strides, and threaten desolation to a State, Mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their Liberty by a scrupulous adherence to political maxims, which were originally established to preserve it (k)."

The last Sessions of Parliament, Sir, outstripped very far the excesses of those which preceded it. A Bill then passed the late House to block up the Port of Boston for the offence of some unknown persons, who had destroyed a cargo of tea belonging to the East India Company. This dreadful indiscriminate punishment involving thousands in ruin for the offence of a few, was inflicted in violation of the first and eternal principle of law and justice, in condemning persons without their being called upon to answer, without their being per-

(k) Black. Comm. V. I. p. 245.

mitted to hear the evidence against them, or to make their defence. It was in vain urged,—
 “ That if judgment were immediately to follow
 “ accusation, the accused unacquainted with the
 “ charge, and debarred from defending them-
 “ selves, every fence against false accusations
 “ would be pulled down, justice would no longer
 “ be a shield, nor innocence an exemption from
 “ punishment (1).” The conditions of the Bill
 were such, as it was impossible for the Town to
 perform; and though the innocence of most of
 the inhabitants was certain, the guilt of any of them
 problematical, yet it amerced them immediately
 and irreparably to the amount of some hundred
 thousand pounds by stopping their trade—con-
 demned thousands to beggary and want by render-
 ing their usual occupations impracticable—and
 even after all these sufferings, and the perform-
 ance of such conditions, the restoration of their
 Port and property, or any part of it, was suffered
 to depend solely upon the will of the Crown. Sir,
 I challenge the history of human actions to pro-
 duce an instance in which the cruelty, the cun-
 ning, the malignity of man’s heart has contrived
 an Act of more violent injustice, and absurd op-
 pression. This, however, was soon followed by a
 Bill, empowering the Governor of Massachuset’s
 Bay to send persons indicted for murder in that
 Province to another Colony, or even to Great
 Britain, for trial.

The manifest operation, Sir, of this Bill, and
 indeed you know it was the intention of it, is to
 encourage the soldiery to slaughter the people, by
 exempting them from all apprehension of legal

(1) See the first Petition of the American Gentlemen in
 London.

punishment ; for it is in the power of the Governor to create such obstructions as effectually to prevent justice from overtaking the guilty whom he may protect.

I must again wish, Sir, for the honour of the late House, that the annals of human barbarity could produce a similar instance of enormous wickedness.

A third Bill, Sir, soon followed for altering the chartered Constitution of Government in the same Province. The effect of that alteration was, to make the middle branch of the Legislature depend upon the appointment and pleasure of the Crown—to make Juries, who were before chosen fairly and indifferently by lot, summonable by the Sheriffs, who are appointed by the Crown—and to forbid all Town-meetings but at the pleasure of the Governor. Thus a most arbitrary Constitution was established upon the ruin of their former free one ; and their Charter, solemnly granted under the Great Seal of England, was subverted without any legal process, without any pretence or proof of forfeiture. Upon what tenure, Sir, I beseech you, do the Americans hold their liberties, if every wind may thus waft over to them the subversion of the old, and the establishment of a new Constitution ? What moment's peace or security can they enjoy, if the freedom sacredly secured to them by Charter, and sanctioned by the possession of centuries, may to-morrow be converted into arbitrary power, established over them unapprized, unsummoned, unrepresented, and unheard ?

Hitherto, Sir, the grievances which the Petitioners state, has respected their civil liberties only—the Quebec Act establishing the Roman Catholic religion and the French laws by the abolition

lition of those of England alarms their religious feelings. As the Act extends the limits of that Province in which Popery and Despotism are established, so as almost to encircle the free Protestant Colonies, it wears the alarming appearance of a plan being fixed for reducing all the Provinces to the same civil, and perhaps religious bondage. Those who consider how long and justly jealous we have been of the Roman Catholic religion, how many Laws have been made from time to time to guard us against its approach, will not be surpris'd at their fears. I believe this nation would not remain long quiet, if an Act were to pass for establishing the profession of that religion in Ireland. But it is yet more alarming to the Americans, because they have seen that the encouragement of that religion is a settled system with the present Ministry. They are persuaded of this from having seen it established in Granada by the King's Prerogative. In the year 1771, by the orders of the Secretary of State, Roman Catholics were admitted into both Houses of the Legislature of that Island, in consequence of which Aliens and Roman Catholics are vested with both Legislative and Judicial authority by the power of the Crown, expressly against Law, and in violation of every precaution and principle of the Revolution. If this House should ever be pleas'd to revive its sleeping powers of control over his Majesty's Ministers, this dangerous and illegal exercise of the Prerogative will meet with the punishment it deserves (*m*)."

(*m*) See the Letter of Patrick Maxwell, Israel Wilkes, &c. to Lord Hillsborough, in the Public Advertiser, Feb. 18. 1772.

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Were the fears of your fellow-subjects ever so imaginary, some indulgence would, I presume, be due to them upon so nice a subject. But when they are so well founded, I trust this honourable House will relieve them by repealing an Act, fraught with principles, both civil and religious, directly repugnant to those secured by the ever-glorious Revolution.

The last Act of that eventful Session which closes the detail of American grievances, was "For the better providing suitable quarters for Officers and Soldiers in his Majesty's service in North America."

To encourage the Provinces to be at the expence of building barracks, an Act was passed some years ago to exempt the inhabitants of such places as did so, from having the soldiers quartered upon them; in consequence of which barracks were built in many of the Colonies at the expence of the People. In the year 1768, Governor Bernard dispensed with the Law by his Prerogative (n); but this being thought, even by the Ministry, a little presumptuous, they came to the last Parliament, as the patrons of all violence and injustice, and obtained a dispensation from keeping the Public Faith here, after the conditions had been performed there. Under so shameful a violation of Parliamentary Faith, what confidence, what respect can you desire from America? What other bond of Government will be left you, but fear? And let me ask in the words of the sagacious Beccaria, "What ought we to think of that Government which has no other means of managing the subject, but fear (o)?"

(n) See his Letter to the Earl of Hillsborough, Nov. 1, 1768.

(o) P. 170.

These, Sir, are the grievances under which the Petitioners groan; grievances, which receive tenfold exasperation from the bitter reflection of their being inflicted by the Parental Land, from which they expected benefits and blessings. The complaints, therefore, are forced from hearts bleeding with the most poignant injuries, and overwhelmed with the apprehension of impending destruction. Amid the dark cloud of ills and horrors that surround them, the remembrance of those ties which united them to this country, the recollection of the respect and affections which they are to violate, deepens the distress, and doubles the horror of their situation. They lament that they are upon the eve of being "exposed to unexpected and unnatural scenes of distress, by a contention with that Nation in whose parental guidance, on all important affairs, they have hitherto, with filial reverence, constantly trusted."—*Sunt lacrymæ rerum et mentem mortalia tangunt.* The Parent Heart will at length feel, the supplications of her children will be heard, and she will pour the balm of pity and redress upon the wounds she has inflicted. Then, too, I shall hope, Sir, that your indignation will fall on those dangerous and designing men, who daringly interposing themselves between the Parent Country and her affectionate Colonies, have, for several years past, been incessantly employed to dissolve every tie that united us, by abusing the Royal Authority, misrepresenting the intentions and actions of your American fellow-subjects, and prosecuting the most desperate projects of avarice and ambition. Then, Sir, it will be seen who they are, who, by secret accusation and open provocation, by treacherous private letters, or insidious public speeches, have misrepresented That and misled This country, have planted jealousy

jealousy here and passion there, till at length, by the force of accumulated injuries, and violent opposition, we are almost compelled to leap the fatal precipice of civil war.

Sir, the Petitioners ask but for Peace, Liberty, and Safety. And is it consistent with British magnanimity and justice to refuse them these? Without any question of your right, they pray only for a repeal of such exertions of it, as have been felt as grievances not to be endured. To complain of injuries is the privilege of Humanity, to relieve them is the office of Justice. It is natural for disappointed supplication to end in desperate resistance.

I have endeavoured, Sir, to shew, that every one of the grievances recited in the exordium of the Petition are real, and wound deeply the great, the sacred Rights of Life, Liberty and Property.

The Petitioners, however, in a temper of moderation, which, I hope, will make a very favourable impression on this Honourable House, have stated only the most severe, as essential to their relief; trusting, as they expressly declare, “ in the magnanimity and justice of his Majesty
“ and Parliament for a redress of their other grievances.” “ Filled,” say they, “ with sentiments
“ of duty to his Majesty, and of affection to our
“ Parent State; a duty and affection deeply im-
“ pressed by our education, and strongly confirm-
“ ed by our reason; and anxious to evince
“ the sincerity of these dispositions, we present
“ this Petition only to obtain redress of griev-
“ ances, and relief from fears and jealousies oc-
“ casioned by the system of Statutes and Regu-
“ lations adopted since the late war—for raising a
“ revenue in America—extending the powers of
“ Courts of Admiralty and Vice-Admiralty—
“ trying persons in Great Britain for offences alledg-

“ ed to be committed in America — affecting the Pro-
 “ vince of Massachusetts Bay — altering the Go-
 “ vernment, and extending the limits of Quebec —
 “ by the abolition of which system, the harmony
 “ between Great Britain and her Colonies, so ne-
 “ cessary to the happiness of both, and so ardently
 “ desired by the latter, and the usual intercourses
 “ will be immediately restored.”

The original cause of every grievance and of every violence which has shaken the whole Empire, and is hastening its destruction, was, the taking the property of the Americans without their consent. The avowed purpose of doing this, was “ to defray the charge of their Civil Govern-
 “ ment, of the administration of justice, and for
 “ their defence, protection, and security.” To shew that so extraordinary an exertion of power is unnecessary, the Petitioners, Sir, declare, “ That
 “ such provision has been and will be made for
 “ defraying the two first articles, as has been and
 “ shall be judged by the Legislature of the several Colonies just and suitable to their respective
 “ circumstances; and for the defence, protection,
 “ and security of the Colonies, their Militias, if
 “ properly regulated, would be fully sufficient, at
 “ least in times of peace; and in case of war, your
 “ faithful Colonists will be ready and willing, as
 “ they ever have been, when constitutionally re-
 “ quired, to demonstrate their loyalty to your
 “ Majesty, by exerting their most strenuous ef-
 “ forts in granting supplies and raising forces.”

For proof of their zeal and activity in granting supplies and raising forces, I appeal to your own Journals during the late war. You will there find, Sir, repeated declarations of it by his late Majesty, who best knew the facts. Those declarations were adopted and confirmed by the House, and by Par-
 liament.

liament. There is not the least reason to doubt their equal exertions on a similar emergency. There cannot, therefore, be any pretence of necessity for the interposition of this dictatorial power of Parliament: much less can there be any good reason to warrant the continuance of those penal and oppressive laws, which were made avowedly for the purpose of maintaining the exercise of that power. On what ground then, Sir, can there be a moment's doubt about gratifying the earnest prayers of all America in repealing these Acts, when that Repeal will immediately restore the confidence and harmony which his Majesty's Ministers have themselves proclaimed to all America, as essentially necessary to the welfare and prosperity of this kingdom? The interests and intreaties of all the Merchants and Manufacturers concerned in the question urge the same measure. Nothing else can save us from the most fatal division, and prevent a civil war, with all its attendant train of horrible calamities. Peace, prosperity, and reconciliation attend on retraction—division, desolation, and ruin, on perseverance.

I am sensible, Sir, of having already engrossed too much the patience and attention of the House; yet I must intreat your farther indulgence, while I take a short review of the rise and progress of this unhappy dispute.

The commencement of the last war found the Colonies, like so many arrows in the quiver of the Parent State. It was then that the House of Lords declared them to be “a large body of useful subjects.”

Was their conduct, during the war, adequate to expectations formed of such subjects? Your Journals and your Statute-Books will answer the question. It is there recorded by the testimony
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of the King, of this House, of Parliament itself, that they "exerted themselves in defence of his Majesty's just rights and possessions with the active zeal and vigour of faithful subjects (p)."

In that province which has been singled out for every severity and oppression, Governor Bernard's testimony of their zeal and activity in granting money and raising men, so far down as the year 1762, is clear and conclusive: "The unanimity and dispatch with which you have complied with the *requisitions of his Majesty*, require my particular acknowledgement; and it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as *members of a general empire*, and as the body of a particular province."

"It will always be my desire, that *freedom and independence* should prevail in your Councils, and that the whole credit of your proceedings therein should be placed to your *own account*. It will be a sufficient honour for me to preside over a people, whose motives to loyalty and public spirit arise from their own breasts."

The same Governor again says, "Whatever shall be the event of the war, it must be no small satisfaction to us, that this Province has contributed its full share to the support of it. Every thing that has been required of you hath been most readily complied with; and the execution of the powers committed to me, for raising the Provincial troops, hath been as full and complete as the grant was. Never before were regiments so easily levied, so well composed, and so early in the field, as they have been this year,

“ The common people seemed to be animated
 “ with the spirit of the General Court, and to
 “ vie with them in their readiness to serve the
 “ King. The ample provision which has been
 “ already made, leaves me nothing to ask for the
 “ immediate service,”

With this authentic, decisive evidence before us, it is impossible, Sir, to help asking what has damped the ardour, abated the activity, repressed the readiness of these people to contribute to the exigencies of this country? What is it that has brought upon them the imputation of being in a state of criminal resistance to the just authority of this country?

Is it possible to give any reason for so great, so deplorable an alteration, but that, instead of asking their money of them, you have commanded it from them—instead of exercising your supreme power for the general good, you have employed it to their particular injury? How comes it, that in two years after these unquestionable proofs of their readiness to contribute to the utmost of their abilities, when constitutionally required, in men and money, for the defence of his Majesty's just rights and possessions; that it was thought proper to impose taxes upon them by authority of Parliament, without their consent? This was the cause of all the subsequent complaints and commotions; and this, before the ink was well dry with which you recorded those very services, that proclaimed such an attempt to be unwarranted by necessity and justice. In two years time, not even two, you resolved to violate their privileges as freemen, and annihilate the very existence of property among them—For what? To obtain money which, by your own acknowledgement, they, when in the full and free enjoyment of their privileges, contributed

tributed to your wants with such zeal and readiness, as left you nothing more to ask. On what counter-evidence, on what pretence of propriety, on what unheard of change in the sentiments of the Colonies was this extraordinary mode adopted? Sir, I do not mean to reflect upon any man's character or memory. But I wish to induce this House to do America and itself the justice of considering, that as the cause of all the disturbances in the Colonies originated here, it is from hence that the restoration of things to their former peaceable and approved channel ought to move. It is redress alone that can produce reconciliation.

How long will you sin against reason and experience? How long will you be learning that Liberty is the vital principle of British Government? Let the example of Ireland, Wales, and the Palatinates, inform you that the only band of peace and order among British Subjects is Liberty. It is this only that, as it animates their industry, and promotes their prosperity; so it creates their confidence in, and obedience to Government. If you wish *volentes per populos dare jura*, you must govern them upon the principles of Freedom. Representation is the first and greatest of these principles; and without this your Government will never be obeyed. In point of Revenue too it is absolutely necessary. Need I tell an Assembly of Freemen, the Representative of a Free People, that Revenue will ever flow in more copious streams from *free gifts*, than from *forced impositions*?

The Stamp Act passed soon after, with the avowed dissent of America. The consequence was, that the whole Continent was immediately thrown into the most violent commotions. Upon a conviction of its pernicious consequences, a conviction derived from the fullest examination at
your

your Bar, upon the Petitions of all the trading and manufacturing towns in the kingdom, the Stamp Act was repealed. The re-establishment of peace and order in America followed that repeal. Addresses of thanks for it were voted by all the Assemblies. They passed over the Declaration of Right that accompanied that Repeal with respectful silence. Such was their repugnance to dispute with the Parent State, or prevent the renewal of that harmony which seemed to be cordially desired. In the same disposition, the Assembly of the Massachusetts complied with the Mutiny Act, though it touched their privilege for which they had so strenuously contended, the privilege of granting freely their own money.

But, Sir, some fatality seems to have determined, that every year should carry new cause of discontent from hence to America. The next year, therefore, after the repeal which had produced such happy effects, a new Revenue Act was passed for America, without any new reason assigned, or assignable, to the astonishment of this country, to the amazement and grief of that. The revival of the cause of course revived the discontents. So studious, however, were they to avoid offence, that without any tumult, riot, or disorder, the Assemblies represented their sense of it in humble Petitions. Unsuccessful Petitions produced Remonstrances, yet in measured terms of respect and moderation. This was so remarkable, that Governor Bernard was compelled to give his testimony strongly in their favour.—

“ They have acted in all things, even in their
 “ Remonstrances, with temper and moderation;
 “ they have avoided some subjects of dispute,

and

“ and have laid a foundation for removing some
 “ causes of former altercation (n).”

This is an incontestable proof, Sir, that this, though deemed the most violent Colony, was disposed to represent its grievances in the most moderate and respectful terms, till the outrageous conduct of the Earl of Hillsborough forced them into some degree of warmth.

That the same temper prevailed in all the Colonies, the following extract from Lord Hillsborough's Circular Letter to their Assemblies is unquestionable evidence:

Whitehall, April 21, 1768.

“ THE repeated proofs which have been given
 “ by the Assembly of their reverence and respect
 “ for the Laws, and of their faithful attachment
 “ to the Constitution, leave little room in his Majesty's breast to doubt of their shewing a proper
 “ resentment of this unjustifiable attempt to revive those distractions which have operated so
 “ fatally to the prejudice of this Kingdom and
 “ the Colonies;—and accordingly his Majesty has
 “ the fullest confidence in their affection, and expects they will give him the strongest proofs of
 “ them on this and every other occasion.

“ HILLSBOROUGH.”

I have already stated to you, Sir, that this horrible attempt was nothing more than the Massachusetts's informing the different Assemblies of their having petitioned the King. I do not mean to remark upon that unhappy confusion of ideas, which made the Noble Lord mistake the effect for

(n) See his Letter to Lord Shelburne, Jan. 21, 1768.

the cause; and impute that to the Petition which manifestly arose from a revival of the principle of giving their property, for the purpose of Revenue, without their consent, in an Assembly where they are not represented. But the House will do me the justice to observe, that my evidence of the moderation of America—of their reverence and respect for the Law—and of their faithful attachment to the Constitution, is taken from men who know the facts too well to err, and who cannot be suspected of partiality so much to the People or their Cause, as to mistake them in their favour.

Again, therefore, I must entreat you to consider, what it was that moved them from this moderation, this respect for the Laws, and attachment to the Constitution. That consideration will convince you, that whatever violence of opposition has arisen in America, has been constantly preceded by violent irritation from this Country. Every Session of Parliament has sent, under the councils of the same evil Ministers, its firebrands into America. Every Session has set its heel in her side to spur and goad her into desperate resistance, or, as some are pleased to call it, Rebellion. Like Rehoboam to the Children of Israel, the little finger of the one has been made heavier than the loins of its predecessor; and instead of the whips complained of, you have lashed them with scorpions.

The causes being thus known, Sir, the effects are easily removed. Repeal these angry exertions of your authority—recall your Ministers of discord and destruction—redress their accumulated grievances; and the same temper, the same reverence for the Laws, the same faithful attachment to this country, which even their enemies

were obliged to acknowledge and to praise, will be immediately restored. For God's sake, Sir, do not, by persisting, urge them to that extremity in which, to use the words of a learned Judge, "the necessity and safety of the whole will require the exertion of those inherent, though latent, powers of Society, which no climate, no time, no constitution, no contract, can ever destroy or diminish (e)."

I have the authority of a man of great learning to declare, that history cannot afford one example where any *out* Province or remote Colony ever rebelled against the Mother Country, or Chief Seat of Government, but through insupportable rigour and oppression (p). Thus Tacitus too judiciously observes, "that the Roman Commonwealth fell under the power of the Emperors from the Out-Provinces not being longer able to endure the tyranny of the Senate." What the Privernates answered to the Romans, is worthy the utmost attention of this House, "If the terms you grant us," said they, "are good, our union will be perpetual—if unjust, it cannot be lasting." The Romans had virtue enough to admire this answer, and admit them citizens of Rome. America, Sir, has given proof of equal candour and spirit; it remains with you to set an example of Roman dignity and virtue. Nor can I help mentioning to you an observation, which I think full of the soundest wisdom, "That the better you preserve the Constitution of Ireland, and of those Plantations dependent on England, the better you will preserve our own. It will be

(e) Blackst. Comment. V. I. p. 245.

(p) Mr. Molineux.

" a barrier

“ a barrier to yours, to prevent any invasion of
 “ theirs (g).”

Let me then, Sir, once more recal your attention to the original cause of the dispute. You would take their money from them, without the consent of their Representatives, because you say they will not grant it themselves for the support of Government, and their defence and protection. The purposes are plausible enough, but not more so than those under which the Crown justified the levy of ship money upon the people of this country, without the consent of *their* Representatives. My argument therefore in defence of the Colonies, shall be that of Justice Crook in the case of Mr. Hampden:—“ It has been said that
 “ tonnage and poundage is not now granted to
 “ the King, and therefore the King is forced to
 “ these extraordinary courses.—Though it be *not*
 “ granted, yet I think it is taken; and I doubt
 “ not but to the same intent for which it was
 “ first granted, the defence of the kingdom and
 “ guard of the seas. It is objected, that perhaps
 “ Parliament would not have consented, and so
 “ the kingdom might have been lost. It is not
 “ to be presumed, that the Parliament would
 “ deny to do that which is fit for the safety and
 “ defence of the kingdom—*their own estates and*
 “ *lives being in danger.*”

Mr. Hume has recounted the sentiments of the People upon the same subject in the following words:

“ The amount of the whole Tax was very moderate, little exceeding 200,000*l.* It was distributed upon the people with justice and equali-

(g) Protest of the Lords, 19th of March, 1720.

“ty, and the money was entirely expended upon
 “the Navy, to the great honour and advantage of
 “the kingdom; yet all these circumstances could
 “not reconcile the People to the imposition. It
 “was entirely arbitrary. By the same right any
 “other tax might be imposed; and men esteemed
 “a powerful fleet, though very desirable, but a
 “poor recompence for all their liberties, which
 “were thus sacrificed to the obtaining it (r).”

Such is the language, and such the sentiments of America at this day. The cause is the same. We know what were the consequences of perseverance then; and we may judge from thence what will be the event of persevering now. It is not to be credited, Sir, that this House, with the evidence and admonition of your own history before you, will “suffer the transcendant relation formed by consanguinity, intercourse, affection and respect, to be farther violated, in uncertain expectation of facts, which, if attained, never can compensate for the calamities through which they must be gained.” Your commerce with them, their confidence in you, their attachment to you, their zeal and activity in your service, and perhaps their very connection with you, must all be sacrificed—for what? To establish a supreme power which they have not questioned—to maintain the Jacobite doctrine, that taxation is no tyranny—and to obtain a pepper-corn Revenue, which will hardly suffice for the poorest pensioner upon your numerous list.

I come now, Sir, to an argument which I combat by compulsion and with concern. When I consider the golden ties of blood, amity and in-

(r) History of Eng. V. v, p. 214.

terest, commercial, civil and religious, which did unite us, and but for this unhappy dispute might have for ever united us; I am grieved to hear the little, iron, ignoble, miserly points of controversy agitated. But when the whole or a great part of the expence of last war is charged to the Colonies—when in speeches both within and without these walls it is gravely said, that the war was undertaken and carried on solely for their security and protection—and when this is made a ground for stripping them of their essential rights, of every real security to life, liberty, and property, which the unviolated and unperturbed Constitution gives—it becomes necessary to prove that the assertion is untrue, and the conclusion unjust.

It was a common War, undertaken against an old and common enemy, to repel a common danger, carried on by common and united efforts to acquire and secure common benefits—Benefits, however, more valuable to you, inasmuch as all acquisitions are yours, and all commercial advantages are controuled and regulated to your particular interests. With regard to the cause of the War, is there a man living who doubts that it was the antient inveterate enmity of France to Great Britain? At whatever part she aimed the first blow is surely immaterial. Whether the interests of Great Britain were most vulnerable in Europe, Asia, Africa, or America, is problematical; but that her interests were aimed at cannot be doubted. But which part was deemed most in danger, to the defence of which part therefore the most expence was applied, let your Journals of that period speak. At the commencement of the War you sent two thousand men to defend the vast continent of America, and you imported sixteen thousand,

sand, in addition to your own establishment, for the protection of this Island. During the progress of it, you had forty thousand in America, and ninety thousand in Germany. If Virginia was attacked, was not Hanover invaded—were not Ireland and England threatened—and if Braddock was sent to America, was not the Duke of Cumberland with an army of observation dispatched to the protection of Hanover? What was the mighty aid given to the Colonies? Let the King's Speech of November 13, 1755, inform us: "Proper encouragement has been given to the several Colonies to exert themselves in their own defence, and in the maintenance of the Rights and Possessions of Great Britain."—It seems then, that the Americans were not only to defend themselves, but the rights and possessions of this Country; and it appears from repeated public acknowledgements, that they did this with zeal and alacrity. Upon what pretence of truth, with what colour of justice, therefore, can the cause, the purpose, and the expence of the War be charged to them? It is unjust, it is unmanly. The rights and possessions of Great Britain were attacked, the interests of the whole empire were endangered; therefore the whole empire united in repelling it. His Majesty tells his Parliament, in 1755, that "there never was a situation in which his honour, and the essential interests of Great Britain, called more strongly for their zeal, unanimity, and dispatch."

The Commons reply in their Address, Nov. 14, 1755, "We think ourselves bound in justice and gratitude to assist your Majesty against insults and attacks that may be made upon any part of your Majesty's dominions, though *not be-*
" *longing*

" *longing to the Crown of Great Britain, in re-*
 " *sentment of the part your Majesty has taken in*
 " *a cause, wherein the interests of this Kingdom*
 " *are immediately and so essentially concerned (g).*"
 Will any one after this be idle enough to main-
 tain that the War was an American War—com-
 menced for her, carried on for her, concluded
 for her? that the danger was not general, the
 interests not general, the exertions not general?
 Whoever is bold enough to affirm this, must pro-
 duce higher authority than the King, his Two
 Houses of Parliament, and the authentic Records
 of the Time.

But it has been seriously stated, if my memory
 does not fail me, that this country pays annually
 eighteen hundred thousand pounds in discharge of
 the interest of a debt incurred for America in the
 last war. Upon this statement, it is concluded to
 be both just and necessary to tax the People of
 America for the re-payment of that sum (r).
 By this calculation the principal expended must
 have been about fifty millions.

Let us, Sir, examine the truth of this by the
 rest of your own Journals. The estimate stands
 thus :

		£.
The whole expenditure in 1755 was		7,229,000
The part of it expended in the Ame-		
rican War, including Sea and		
Land service, with the compen-		
sation to the different Provinces		843,783
Ditto, in 1756	- - - - -	10,486,000
Ditto, for the Colonies	- - - - -	1,440,463

(g) Journals of the Commons.

(r) Lord North's Speech upon his memorable Motion.

H

Ditto,

Ditto, 1757	- - - - -	10,486,457
Ditto, the Colonies	- - - - -	1,334,000
Ditto, 1758	- - - - -	12,749,000
Ditto, the Colonies	- - - - -	1,786,410
Ditto, 1759	- - - - -	15,504,000
Ditto, the Colonies	- - - - -	1,690,000
Ditto, 1760	- - - - -	19,616,000
Ditto, the Colonies	- - - - -	1,866,035
Ditto, 1761	- - - - -	18,299,000
Ditto, the Colonies	- - - - -	1,830,397
Ditto, 1762	- - - - -	13,522,000
Ditto, the Colonies	- - - - -	1,324,000

The conclusion from this is, that the
total amount of the money ex-
pended last war, was - - - 104,891,000
Of which the Colonies cost - - - 11,814,000

I have included in this estimate all the yearly compensations made by Parliament to the different Provinces for their extraordinary exertions, and the several expeditions against the French West-India Islands, which were wholly or in part fitted out by the Sea and Land Forces charged in this estimate to America. But admitting that the other essential rights and interests of Great Britain had not been endangered; that America, and America only, was the object of invasion and defence—would the monopoly of her commerce, which you always enjoyed, and might for generations enjoy, reimburse you this expence? You have possessed this monopoly 174 years; allow the profit of it to have been on an average

N. B. The 104 millions above stated, are not the debt incurred, but all that was expended during the war.

90,000*l*.

90,000*l. per annum*, and you are already overpaid. Yet the profit must have been infinitely more, or our ancestors would not have constantly considered, cultivated, and guarded this monopoly as the most precious jewel in the British Commerce. When you consider too that this monopoly is as rapidly increasing in value, as the Colonies increase in commerce, cultivation and inhabitants, it will appear that this, were it this only, is more than a compensation for the sums you have expended in securing it. For what other reason did you defend Portugal, but because her commerce was valuable to you? Yet that commerce is not under your controul, and therefore uncertain.

Well, but you have been at a vast expence, and incurred a prodigious load of debt in carrying on the last war. True. But have you acquired nothing? Is Canada and the Floridas nothing?—Is Grenada, St. Vincent's, Tobago, &c. nothing?—Is the Fishery nothing? Is the extension and security of the East-India trade, which produces more than two millions annually for the Revenue, and the acquisition of the territorial, which netts more than one million and a half yearly, and is claimed by the State here, nothing?—Is Senegal and Goree nothing?—Were the millions received from the Havannah, Martinique, and Guadaloupe, before the cession of them (1) nothing?—Is the extension of your own commerce and empire, and the abasement of those of your enemy and rival, nothing?

Whoever contemplates the incomputable value of these *notthings*, will, I am sure, confess, that the millions expended in acquiring them were indeed

(1) The import of money only from the Havannah was £1,395,300. See Observations on a State of the Nation.

as nothing. To evince this, I will state from the Reports of the Select Committee, the profit of the Revenue from the East Indies alone in one year, 1772 :

	£.
Customs and Excise on Tea	750,000
Indemnity on ditto	117,000
Customs on Exports	800,000
Composition for the Duannee	400,000
Total	£. 2,067,000

It is true the composition is now given up, in consideration of the present distress of the Company; but it is understood to be with an intent to claim the territorial Revenue itself, which in the same year amounted to the nett sum of £. 2,308,000.

And now, Sir, may I presume to hope that some reason has been offered to make you doubt, whether the protection of America was the sole cause of the war, or the increase of our National Debt incurred chiefly for her? whether the benefits acquired by Great Britain are not more than might, if properly managed, reimburse her expence, and make her the most powerful Nation upon earth? Would you indeed relieve the public taxes and reduce the National Debt, call to a severe account the public Plunderers and Defaulters; repress the profuse expenditure of public money for corrupt purposes. Be an inquiring, avenging, redressing, reforming House of Commons. The whole of your compensatory grants to the Colonies during the war, for all the blood and treasure they expended, was one million. Is there a Member in this House, or even a man in the Kingdom, who does not believe, that a single German

German Commissary plundered the Public in a few years of as great a sum? Was not Hanover defended and protected by the arms, or at the expence of this Country? What has Hanover repaid us? What monopoly of her trade have we to reimburse us? The Revenue from thence is half a million—but the Nation gains not half a farthing (*u*). If then, Sir, the reasons for demanding a Revenue from America are manifestly erroneous, I presume the conclusion from them, that it is “just and necessary to impose taxes upon the People there by authority of Parliament,” will be deemed equally indefensible.

I am however afraid, that there is another motive for severity against the Colonies. You are jealous of their growth, and of their becoming independent. Jealousy is a difficult antagonist to encounter or overcome. It is a monster that makes the food it feeds on. They are not your friends who endeavour to make you jealous of your Colonies. They may prompt you to throw away the richest pearl that ever Nation possessed. With the growth of the Colonies, and in exact proportion, must your Trade, your Marine, your Revenue, your Riches grow. The preamble, therefore, to the 13th G. II. says wisely, “Whereas the increase of people is a means of advancing the wealth and strength of any Nation or Country, therefore they will encourage it in the Colonies.” By what new light is it, by what second sight, that we are become so much wiser than our ancestors? How comes it that we view That with an evil eye which was the constant object of their care and cultivation? But if the natural course of things would in time produce this

(*) See Lord Chesterfield's Letters.

dreaded event, are we not endeavouring to accelerate it? To injure, irritate, and oppress them; to alienate all confidence in our justice, and all affection for our name; to make fear the sole principle of our Government, the sole bond of our connection; is not this to rouse into action those powers which would probably sleep for centuries under the harmony of mutual interests, confidence, and affection? Nor is the apprehension of their independency more rational. Is not the restraint of their Commerce yours? Are not their Civil and Military Establishments under controul of the Crown (x)? Is not the convocation, prorogation, and dissolution of their Representatives vested in the Crown? Are not all their Acts subjected to the will, first of his Majesty's Governor, and then of his Majesty himself and his Council? Do not you controul the Ministers who advise the Crown in the exercise of these Powers? Where is the probability, then, of their becoming independent? Can there be a more infallible proof of the weakness of a cause, than that of its being obliged to such groundless alarms for its support?

It is farther charged against the Colonies, that this country was at the expence of settling them; and therefore has a right to command the fruits of their labour. If the premises be true, let the record of the public grants made for the settlement of New England, New York, Pennsylvania, Maryland, Virginia, and the Carolinas, be produced. If these cannot be found, it will be very suspicious that no such grants were made; and,

(x) It seems they are now embodying men; but it is in consequence of their having been compelled to have recourse to those inherent rights, which we are assured by Judge Blackstone no climate, no constitution, no compact, can take away.

there-

therefore, that these Colonies, so beneficial as they have been in extending the trade and commerce, and increasing the people and the wealth of this Kingdom, were planted and maintained at *private not public* expence. And for this we have the evidence of the charters, which generally recite that the adventurers themselves, at *their great charge, and the adventure of many of their lives, which they hazarded in the discovery and plantation of the said country, effected settlements so profitable to this Kingdom.*

I cannot help flattering myself, Sir, that this evidence is irresistible; and that the following conclusion from it is inevitable:—*That the descendants of those adventurers, and such as claim under them, are, by all Laws divine and human, entitled to the free and absolute possession, and enjoyment, disposal and government of that country and property which their Ancestors thus purchased at the hazard of their lives and fortunes; saving, as was originally stipulated, to the Crown of Great Britain, the extension of its empire and dominions; to the People, the increase of their Trade and Commerce: that is, acknowledging him who wears the Crown of these realms to be their King; and the Parliament to have the controul and superintendence of their Commerce.* If there be any such thing as justice upon earth, if the antient fiction of Astræa having forever abandoned this globe be still a fable; then I may venture to affirm, that whatever proceeding contravenes the above position, is a breach and violation of the original compact, and of public faith.

It is exceedingly curious, Sir, to consider, at what a very small expence of People to this kingdom, the wonderful population of the Colonies has

has been produced. If we suppose the present number to be three millions, we may I think compute one-fourth to be foreigners and their descendants, which will leave two millions and a half to be accounted for. It is admitted, upon unquestionable facts, that the inhabitants double, by natural increase, in twenty years. From the first settlement it is now 174 years. In that time, and with the above increase, ten thousand people will give more than the two millions and an half. The progress will be thus:

In the year 1600	—	10,000 Souls.
1620	—	20,000
1640	—	40,000
1660	—	80,000
1680	—	160,000
1700	—	320,000
1720	—	640,000
1740	—	1,280,000
1760	—	2,560,000

There remain by this computation fourteen years, and yet the number required is obtained. This is a full allowance for the other Colonies having been settled later than 1600, because the progression is so much more rapid at the end than at the beginning.

At the expence of so small a number, which had they remained here, would not have been twenty thousand, are you indebted to the toils and intrepidity of the first settlers for such a vast and splendid accession of empire, strength, and wealth. And yet, can it be credited of a great and magnanimous people, you are not contented with the advantages you derive from controlling the descendants of those meritorious men to whom
you

you are so much indebted, in the mode of acquiring property most advantageous to yourselves; but you are preparing to seize by force that property which they have acquired under that controul. As if envious of the prosperity to which their industry, under every hardship and restraint, has advanced them; you threaten their destruction, if they do not lay the fruits of that industry, with their lives and liberties, absolutely at your feet. Is this the magnanimity they are to respect; is it the justice in which they are to confide?

To those who first settled the country, and prepared the way for the easy access and accommodation of others, are you farther indebted for that valuable accession of foreigners, who are now your useful fellow-subjects in America. An Act of 13 G. II. gives such settlers all the privileges of natural-born subjects, and held out as inducements to foreigners to emigrate to the Colonies, "the lenity of our Government, the purity of our Religion, the benefit of our Laws, the advantages of our Trade, and the security of Property." May I be permitted, Sir, to ask, Where are now the benefits for which Parliament has thus pledged its faith?—*The lenity of your Government!* To reject, with menace and contempt, petitions from the People; to execute upon them by force of arms, Laws made without their consent, and universally obnoxious to them; to demand from them, at the point of the bayonet, unconditional submission to your sovereign will and pleasure in all cases whatsoever; is this the lenity of your Government? Could that of the King of Prussia, or any of the German Tyrants from whom they have fled, be less lenient?—*The purity of your Religion!* Have you given them no alarm on that subject? Have they no reason to apprehend

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that

that the contagion of established Popery will contaminate that pure religion? Could they ever have expected to see that religion, the persecutions of which have so often deluged the Protestant countries in blood, the favoured religion of a British Parliament?—*The benefit of your Laws!* Is this experienced in the trial by Jury, which you have taken away; in condemning and punishing with unexampled severity the innocent with the accused, untried and unheard; the security of one's castle, which you have laid open to the will and pleasure of every Custom House Officer or his servant; the advancement of the Military above the Civil Power; the seizure, imprisonment, and transportation of their persons at the will of the Crown, without the finding of a grand Jury, or the benefit of the Habeas Corpus Act; the rendering their Judges dependent there, while by Law they are independent here; the arbitrary suspension and dissolution of their Legislatures; the subjecting their trade to a thousand grievous, unnecessary, ruinous restraints: These are not all the instances you have lately given them of the benefits and blessing of your Laws.—*The advantages of Trade!* What are the advantages of a Trade in which the toil and hazard are theirs, the fruits yours; in which the harvest belongs not to the sower, but you are to reap what they sow, either under the operation of executed, or the terror of suspended Laws for taking their property without their consent?—*The security of Property!* Is this to be derived from the decisions of party and dependent Judges; or from their property being grantable in this House of Commons, in which they are neither represented nor heard, the Members of which do not participate with them in the burthen they impose, but on the contrary exonerate

rate themselves and their Constituents in proportion to the weight of the impositions they lay upon the Colonies? Or is it from the threatening Letters, sent under the title of Revenue Acts, by which their money is to be extorted from them at your pleasure, and for your purposes, under pain of military execution?

Are these, Sir, the liberties, privileges, and franchises of natural-born Subjects—these the excellencies of the English Constitution?—Are not the most odious and oppressive distinctions drawn between them and their once fellow-subjects in Great Britain? The French Colonists are not branded with such distinctions; on the contrary, if we may credit a late sensible and candid traveller—"The Planter is considered as a Frenchman venturing his life, and enduring a species of banishment, and undergoing great hardships, for the benefit of his Country; for which reason he has great indulgence shewn him (y)."

From this it would appear, Sir, that the condition of a French Colonist would be infinitely preferable to theirs, were the Government you have meditated completely established over them.

But still we are told, that you do not mean to enslave them; that though you will not suffer them to question your right of making Laws to bind them in all cases, and to dispose of their property at your pleasure; though you demand absolute and implicit obedience to Acts, made without their participation or consent, to bind their lives, liberties, and properties; yet all this is very compatible with their liberties, because "it is the perfection of British Liberty to be governed by Laws made by Parliament (z)."

(y) Pittman's Account of the Mississippi, p. 13.

(z) L. Mansfield.

What, if the people so governed are not represented in that Parliament; if they do not constitute that Parliament, nor consent to its Acts? I beg pardon, Sir, but there seems to me to be a little State-juggling here. I did conceive, that the perfection of British Liberty was the People being governed by those Laws only which were made by and with the advice and consent of their Representatives freely chosen by themselves; that Representation was the essence, and Parliament but the name of the Legislature; that to substitute the name for the essence, and give to Parliament that power over a People which it does not represent, which it can derive from Representation only, is a gross imposition, a piece of sophistry as weak as it is wicked.

Hooker tells us, they are not Laws to which the People have not consented. My Lord Coke says, that Representation is the source of the obligatory power of Laws (*a*); that this House represents the People of this Realm (*b*). Upon these authorities I may venture to affirm, that Parliamentary power, without a Parliamentary constitution, is tyranny and usurpation. So far as the Colonies have pledged themselves to acquiesce in the operation of Laws made by the British Parliament to regulate trade, *bond fide*, for the good of the whole, they are bound by their own consent: but when you transgress that line, when you touch the property acquired under those regulations, you become tyrants in the extreme. The one infers subordination, the other slavery. They are content to be subordinate, but they never will be slaves. Should not a British House of Commons blush, Sir, at violating that right which is held

(*a*) VII. Rep. 73. (*b*) IVth Institute,

sacred even in Sweden? The King there declares to his people, that the most precious part of their Liberty consists in taxing themselves. "To this right of the Nation," says he, "to tax itself, I would have the greatest attention paid."

Whatever therefore may be intended or professed, the system of Government marked out for America, is manifestly a system of slavery; absolute, unconditional slavery. I will not maintain this upon the authority of Mr. Locke, lest a political Dean should tell me, Locke is a fool; nor upon that of Montesquieu, for a pompous Pensioner has pronounced him a visionary; but upon the authority of two men who cannot be suspected of much partiality to the People, and of still less to the cause of America—Dr. Robertson and Mr. Justice Blackstone.

"A state," says the former, "in which the Sovereign possesses the absolute command of a vast military force, together with the disposal of an extensive revenue; in which the People have no privileges and no part either immediate or remote in Legislation; in which there is no body of hereditary nobility, jealous of their own rights and distinctions, to stand as an intermediate order between the Prince and the People; cannot be distinguished by any other name but that of a *Despotism* (c)."

"The most stable foundation," Judge Blackstone tells us, "of legal and rational Government, is a due subordination of rank, and a gradual scale of authority; and Tyranny also itself is most surely supported by a regular increase of despotism rising from the Slave to the Sultan: with this difference, however, that the mea-

(c) Hist. ch. V. Vol. I.

“ sure of obedience in the one is grounded on
 “ the principles of society, and is extended no
 “ further than reason and necessity will warrant—
 “ in the other, it is limited only by absolute
 “ *will and pleasure, without permitting the inferior*
 “ *to examine the title on which it is founded (c).*”

Are you then surprised, Sir, that such a system excites alarms and resistance in America? A system not of one year, but of seven; not a single Act, but a series of Acts; not a sudden, but a serious plan, deliberately devised and inexorably pursued. Are you surprised, that the People of America hear now with astonishment, as our ancestors heard in the time of James I. (c), doctrines preached subversive of Liberty and Property, and all the natural Rights of Humanity: That examining into your claim, they find it weakly and fallaciously supported; while Common-Sense assures them, that no Constitution could establish it, no precedent could sanctify, no length of time could confirm, it.

Sir, I cannot quit this Bar without complaining of a most alarming and dangerous doctrine, which has been held out in a very authoritative way—That the King, as a constituent part of Parliament, may violate that faith which he has pledged, and by which he is bound in his executive capacity. This doctrine goes directly to the destruction of all confidence in the Acts of the Crown. The Royal Faith once pledged, and the conditions performed, it is sacred and irrevocable. To establish the reverse, is to take from it all respectability and trust. I understand that *salus populi* is the supreme Law. But must not that *salus populi* be of a very singular and incompre-

(c) Comm. V. IV. (d) Ibid. p. 429.

hensible

hensible nature, that really requires from the Crown a breach of its most solemn obligations to God and Man? It cannot be. Whatever appears so, is fallacious; whatever is so offered for the Royal approbation, is an insult to his understanding and his honour. If ever the dissent which the Constitution has vested in him, should be exercised, it is *then*; to preserve his honour, and his faith pure and unviolated. It is argued, too, that his Charters cannot bind Parliament. But if they bind the King, what power in this Constitution can violate them without his consent? Is he bound to give his assent to what his conscience calls upon him to refuse? However he is bound by Law, yet surely he is not bound to give his assent to the making That a Law which will dishonour himself, and discredit his Acts.

The Petitioners, Sir, have declared their trust, in the justice and magnanimity of the King and Parliament, for the redress of their grievances. Permit me to hope, Sir, they will not be deceived. Let me hope that this Parliament, not having yet committed itself into the deep and dangerous waters of civil contention, will listen to the voice of reason and of supplication; will calm the commotions, appease the discontents, and quiet the fears of his Majesty's faithful subjects in America. I know it will be objected, that they are putting themselves into a hostile posture. Into a defensive, if you please, but not an offensive posture. And surely, Sir, self-preservation, the first and inextinguishable law of Nature, will justify that preparation which it prompts. When they beheld a General sent at the head of an army, to force their grievances upon them; when that General ventured to make treason by virtue of his Proclamation, and was apparently determined to uphold

uphold that outrage by military force, it was time for them to prepare for their defence. It is therefore that they declare most solemnly and most truly, that "their Councils were influenced by no other motive, than the fear of impending destruction." It was but too plain, Sir, that the Acts past by the last Parliament, would inevitably produce those effects. The then House was warned of it by those who were most likely to know the feelings, sentiments, and situation of America, the Gentlemen of that country then resident in London. They besought the House, with all the earnestness and anxiety of apprehension, "not to urge their countrymen, by such Acts, to the last resources of despair—not to involve their country in the calamities of civil commotions." We have seen, Sir, the dreadful consequences of their rejected prayers. Let me implore you to shun the inexorable spirit of your predecessors, and arrest, by a timely, temperate interposition, the uplifted hand of Civil War.

I may with confidence assure you, in the words of a celebrated Historian, "That their proceedings are not the effects of popular and tumultuary rage; but that they aim at obtaining redress of their political grievances, and an establishment of public Liberty on a secure basis: objects worthy of all the zeal they discover in contending for them (f)."

A prosecution of coercive measures will alienate your Colonies forever. It will rouse

A study of revenge, immortal hate,
And courage never to submit or yield,
And what is else not to be overcome.

(f) Robertson's Hist. Ch. V. V. II. p. 159.

They

They are too truly the descendants of British ancestors to be bowed down by threats or force to bondage. It is a thousand times more easy to cultivate, than to compel them to any purpose. A return, therefore, to the former plan of conciliation will recal their antient respect, attachment, and affection. When you regard the Plantations beyond seas as inhabited and peopled by your fellow-subjects, such was the language of former times; when you calculate your Acts "for maintaining a greater correspondence and kindness between this and that country (g)," as was the avowed purpose of our ancestors; you will then re-establish that mutual confidence and affection, upon which I am warranted by his Majesty's present Ministers to say, the glory and safety of the British Empire depend (b). When you view your Colonies with commercial eyes; when you, therefore, study to render them "yet more beneficial and advantageous, in the further employment and increase of English shipping and seamen, vent of English woollen and other manufactures and commodities, and making this Kingdom a staple, not only of the commodities of those Plantations, but also of the commodities of other countries and places for the supplying of them (i)," so far as shall be fairly and manifestly for the general weal, upon a liberal scale;—then will you feel that the united wealth and strength of the whole dominion is proof against the world in arms. These are the measures, Sir, which will effectually calm and conciliate men's minds, and even dis-

(g) 15 Ch. II. 7.

(b) Ibid.

(i) Lord Hillsborough's Letter to the Governor of Virginia, May 9th, 1769.

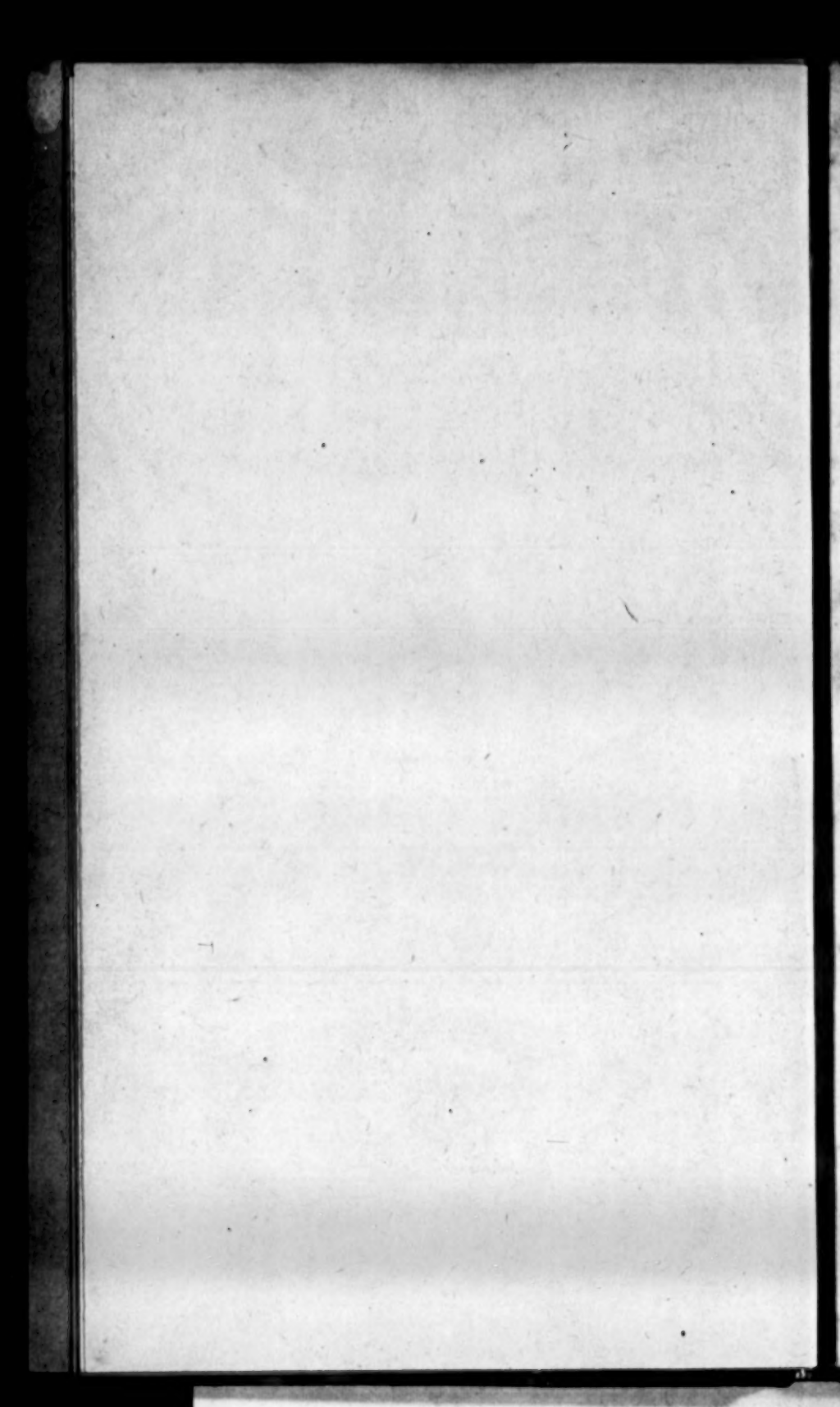
appoint the views of those factious and seditious men, of whom his Majesty's Ministers so affect-
 edly complain—As if, indeed, speeches and letters
 could add any thing to the force and effect of
 those Letters Patent, as I may call them, those
 scorpion Acts with which it has pleased Par-
 liament to sting and scourge the Col^{ies} for
 nine long years of injury and irritation. As well
 might it be supposed that a Zephyr's breath could
 increase the impression of the Northern blast up-
 on the raging ocean. You will give me leave,
 Sir, rather to lament, in the words of the Pe-
 tition before you, the opprobrious terms too fre-
 quently bestowed upon my countrymen by those
 they revere. How often, how perpetually does
 American perfidy, American fraud, American
 pusillanimity make the theme of inflammatory
 declamation in this House? Will you permit
 me to remind you, how undue and unfit such
 treatment is; how unbecoming the dignity and
 decency of this House, to hear the absent reviled
 and traduced? For, Sir, these reproaches are
 refuted by the testimony of their services in va-
 rious wars, recorded upon your Journals; by
 the acknowledgements of the Merchants and
 Manufacturers, in their Petitions and Declarations
 to this House; and by the evidence arising from
 the high value they put upon their commerce
 and trade with the Colonies, which would never
 be, were they a people of perfidy, fraud, and ra-
 pine. In truth, Sir, their great offence is, what
 they themselves have stated—Their sensibility of
 the injuries they have received. So fatally true
 is this observation of Tacitus—*Proprium est hu-
 mani ingenii odisse quem læseris.*

May it be the just and transcendent praise of
 this Honourable House, that its magnanimity
 has

has elevated it above the reach of common infirmity ! Let me hope that you will yet, for it is still in your power, send forth the messenger of peace ; that you will plant the olive, whose branches will spread abroad, so that we may meet and rejoice together under its peaceable and friendly shade from generation to generation. Of one thing let me solemnly assure you—When your Laws are just, they will be obeyed always ; when unjust, never. Let us, then, Sir, return to our old good-humour and intercourse. Let the hatchet be buried, and the chain of friendship be brightened between us for ever.

F I N I S.





THE
TWELVE UNITED COLONIES,

BY THEIR DELEGATES IN

C O N G R E S S, 17

TO THE INHABITANTS OF

G R E A T - B R I T A I N.

FRIENDS, COUNTRYMEN, *and* BRETHREN!

BY these, and by every other appellation, that may designate the ties, which bind US to each other, we entreat your serious attention to this our second attempt, to prevent their dissolution.—Remembrance of former friendships; pride in the glorious achievements of our common ancestors, and affection for the heirs of their virtues, have hitherto preserved our mutual connection; but when that friendship is violated by the grossest injuries;—when the pride of ancestry becomes our reproach, and we are no otherwise allied than as tyrants and slaves, when reduced to the melancholy alternative of renouncing your favor, or our Freedom,—can we hesitate about the choice? Let the spirit of Britons determine.

In a former Address, we asserted our Rights, and stated the injuries we had then received. We hoped, that the mention of our wrongs, would have roused that honest indignation, which has slept too long for your honor, or the welfare of the empire.—But we have not been permitted to entertain this pleasing expectation; every day brought an accumulation of injuries, and the invention of the ministry has been constantly exercised, in adding to the calamities of your American Brethren.

AFTER the most valuable right of legislation was infringed, when the powers, assumed by your parliament, in which we are not represented, and from our local and other circumstances, cannot properly be represented, rendered our property precari-

ous

ous; after being denied that mode of trial to which we have long been indebted for the safety of our Persons, and the preservation of our Liberties;—after being in many instances divested of those laws, which were transmitted to US, by our common Ancestors, and subjected to an arbitrary code, compiled under the auspices of Roman tyrants; after annulling those charters, which encouraged our predecessors to brave death and danger in every shape, on unknown seas, in deserts unexplored, amidst barbarous and inhospitable nations!—when, without the form of trial, without a public accusation, whole colonies were condemned!—their trade destroyed; their inhabitants impoverished; when soldiers were encouraged to embroe their hands in the blood of Americans, by offers of impunity;—when new modes of trial were instituted for the ruin of the accused, where the charge carried with it the horrors of conviction;—when a despotic government was established in a neighbouring province, and its limits extended to every of our frontiers; we little imagined that any thing could be added to this black catalogue of unprovoked injuries;—but we have unhappily been deceived; and the late measures of the British ministry fully convince us, that their object is the reduction of these colonies to slavery and ruin.

To confirm this assertion, let us recal your attention to the affairs of America, since our last address;—let us combat the calumnies of our enemies; and let us warn you of the dangers that threaten you, in our destruction. Many of your fellow subjects, whose situation deprived them of other support, drew their maintainance from the sea; but the deprivation of our Liberty being insufficient to satisfy the resentment of our enemies, the horrors of famine were superadded, and a British parliament, who, in better times were the protectors of innocence and the patrons of humanity, have, without distinction of age or sex, robbed thousands of the food, which they were accustomed to draw from that inexhaustible source, placed in their neighbourhood by the benevolent Creator.

ANOTHER act of your legislature shuts our ports and prohibits our trade with any but those States, from whom the great law of self-preservation renders it absolutely necessary we should at present withhold our commerce.—But this act (whatever may have been its design) we consider rather as injurious to your opulence, than our interest.—All our commerce terminates with you; and the wealth we procure from other nations, is soon exchanged for your superfluities.—Our remittances must then cease with our trade; and our refinements with our affluence.—We trust however, that laws which deprive us of every blessing, but a soil that teems with the necessaries of life, and that

that liberty which renders the enjoyment of them secure, will not relax our vigour in their defence.

We might here observe on the cruelty and inconsistency of those, who, while they publickly brand us with reproachful and unworthy epithets; endeavour to deprive us of the means of defence, by their interposition with foreign powers, and to deliver us to the lawless ravages of a merciless soldiery. But happily we are not without resources; and tho' the timid and humiliating applications of a British ministry should prevail with foreign nations, yet industry, prompted by necessity, will not leave us without the necessary supplies.

We could wish to go no further, and, not to wound the ear of humanity, leave untold those rigorous acts of oppression which are daily exercised in the town of Boston; did we not hope, that by disclaiming their deeds, and punishing the perpetrators, you would shortly vindicate the honor of the British name, and re-establish the violated laws of Justice.

THAT once populous, flourishing and commercial town is now garrisoned by an army sent, not to protect, but to enslave its inhabitants.—The civil government is overturned, and a military despotism erected upon its ruins.—Without law, without right, powers are assumed unknown to the constitution.—Private property is unjustly invaded.—The inhabitants daily subjected to the licentiousness of the soldiery, are forbid to remove in defiance of their natural rights, in violation of the most solemn compacts.—Or if after long and wearisome solicitation, a pass is procured, their effects are detained, and even these who are most favoured, have no alternative but poverty or slavery. The distress of many thousand people, wantonly deprived of the necessaries of life, is a subject on which we would not wish to enlarge.

YET we cannot but observe, that a British fleet (unjustified even by acts of your legislature) are daily employed in ruining our commerce, seizing our ships, and depriving whole communities of their daily bread. Nor will a regard for your honor, permit us to be silent, while British troops sully your glory, by actions which the most inveterate enmity will not palliate among civilized nations; the wanton and unnecessary destruction of Charlestown, a large ancient, and once populous town, just before deserted by its inhabitants, who had fled to avoid the fury of your soldiery.

If you still retain those sentiments of compassion by which Britons have ever been distinguished—If the humanity which tempered the valour of our common ancestors, has not degenerated into cruelty, you will lament the miseries of their descendants.

To

To what are we to attribute this treatment? If to any secret principle of the constitution let it be mentioned; let us learn that the government we have long revered is not without its defects, and that while it gives freedom to a part, it necessarily enslaves the remainder of the empire. If such a principle exists, why for ages has it ceased to operate? Why at this time is it called into action? Can no reason be assigned for this conduct? Or must it be resolved into the wanton exercise of arbitrary power? And shall the descendants of Britons tamely submit to this—No Sirs! We never will, while we revere the memory of our gallant and virtuous ancestors, we never can surrender those glorious privileges, for which they fought, bled, and conquered. Admit that your fleets could destroy our towns, and ravage our sea-coasts;—these are inconsiderable objects, things of no moment, to men whose bosoms glow with the ardor of liberty—We can retire beyond the reach of your navy, and without any sensible diminution of the necessaries of life, enjoy a luxury which from that period you will want;
THE LUXURY OF BEING FREE.

We know the force of your arms, and was it called forth in the cause of justice and your country, we might dread the exertion; but will Britons fight under the banners of tyranny? Will they counteract the labours, and disgrace the victories of their ancestors? Will they forge chains for their posterity? If they descend to this unworthy task, will their swords retain their edge, their arms their accustomed vigor?—Britons can never become the instruments of oppression, till they lose the spirit of freedom, by which alone they are invincible.

Our enemies charge us with sedition; In what does it consist? In our refusal to submit to unwarrantable acts of injustice and cruelty? if so, shew us a period in your history, in which you have not been equally seditious?

We are accused of aiming at Independence; but how is this accusation supported? By the allegations of your ministers, not by our actions.—Abused, insulted, and contemned, what steps have we pursued to obtain redress? We have carried our dutiful petitions to the throne;—we have applied to your justice for relief, we have retrenched our luxury and withheld out trade.

THE advantages of our commerce were designed as a compensation for your protection: When you ceased to protect, for what were we to compensate?

WHAT has been the success of our endeavours? The clemency of our sovereign is unhappily diverted; our petitions are treated with indignity; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy

choly apprehension, of your wanting either the will, or the powers, to assist us.

Even under these circumstances, what measures have we taken that betray a desire of Independence? Have we called in the aid of those foreign powers, who are the rivals of your grandeur? When your troops were few and defenceless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid and to acquire additional strength?

Let not your enemies and ours persuade you, that in this we were influenced by fear or any other unworthy motive. The lives of Britons are still dear to us.—They are the Children of our Parents, an uninterrupted intercourse of mutual benefits had knit the bonds of friendship.—When hostilities were commenced, when on a late occasion we were wantonly attacked by your troops, though we repelled their assaults, and returned their blows, yet we lamented the wounds they obliged us to give; nor have we yet learned to rejoice at a victory over Englishmen.

As we wish not to colour our actions, or disguise our thoughts; we shall, in the simple language of truth, avow the measures we have pursued, the motives upon which we have acted, and our future designs.

When our late petition to the throne produced no other effect than fresh injuries, and votes of your legislature, calculated to justify every severity; when your fleets, and your armies, were prepared to wrest from us our property, to rob us of our liberties or our lives; when the hostile attempts of General Gage evinced his designs, we levied armies for our security and defence; when the powers vested in the governor of Canada, gave us reason to apprehend danger from that quarter; and we had frequent intimations, that a cruel, and savage enemy, was to be let loose upon the defenceless inhabitants of our frontiers; we took such measures as prudence dictated, as necessity will justify. We possessed ourselves of Crown-Point and Ticonderoga. Yet give us leave, most solemnly to assure you, that we have not yet lost sight of the object we have ever had in view; a reconciliation with you on constitutional principles; and a restoration of that friendly intercourse, which, to the advantage of both, we till lately maintained.

The inhabitants of this country apply themselves chiefly to agriculture and commerce. As their fashions and manners are similar to yours; your markets must afford them the conveniences and luxuries for which they exchange the produce of their labours. The wealth of this extended continent centers with you; and our trade is so regulated as to be subservient, only to your

your interest. You are too reasonable to expect that by taxes (in addition to this) we should contribute to your expence, to believe after diverting the fountain that the streams can flow with unabated force.

It has been said that we refuse to submit to the restrictions on our commerce. From whence is this inference drawn? Not from our words, we having repeatedly declared the contrary, and we again profess our submission to the several acts of trade and navigation passed before the year 1763, trusting nevertheless in the equity and justice of Parliament, that such of them as upon cool and impartial consideration, shall appear to have imposed unnecessary or grievous restrictions, will, at some happier period, be repealed or altered. And we cheerfully consent to the operation of such acts of the British Parliament as shall be restrained to the regulation of our external commerce for the purpose of securing the commercial advantages of the whole empire to the Mother-country, and the commercial benefits of its respective members, excluding every idea of taxation internal or external, for raising a revenue on the subjects in America without their consent.

It is alledged that we contribute nothing to the common defence, to this we answer that the advantages which Great-Britain receives from the monopoly of our trade, far exceeds our proportion of the expence necessary for that purpose. But should these advantages be inadequate thereto, let the restrictions on our trade be removed, and we will cheerfully contribute such proportion when constitutionally required.

It is a fundamental principle of the British constitution, that every man should have at least a representative share in the formation of those laws by which he is bound. Were it otherwise, the regulation of our internal police by a British Parliament, who are, and ever will be, unacquainted with our local circumstances, must be always inconvenient, and frequently oppressive, working our wrong, without yielding any possible advantage to you.

A PLAN of accommodation (as it has been absurdly called) has been proposed by your ministers to our respective Assemblies. Were this proposal free from every other objection, but that which arises from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breast? Can they treat with freedom while their towns are sacked; when daily instances of injustice, and oppression, disturb the slower operations of reason?

If this proposal is really such as you should offer, and we accept, why was it delayed till the nation was put to useless expence, and we were reduced to our present melancholy situation?

—If

— If it holds forth nothing why was it proposed. Unless indeed to deceive you into a belief that we were unwilling to listen to any terms of accommodation : But what is submitted to our consideration ? we contend for the disposal of our property ; we are told that our demand is unreasonable, that our assemblies may indeed collect our money, but that they must at the same time offer ; not what your exigencies, or ours, may require ; but so much as shall be deemed sufficient to satisfy the desires of a minister and enable him to provide for favorites and dependants. (A recurrence to your own treasury will convince you how little of the money already extorted from us has been applied to the relief of your burthens.) To suppose that we would thus grasp the shadow, and give up the substance is adding insult to injuries.

We have nevertheless again presented an humble and dutiful Petition to our Sovereign ; and to remove every imputation of obstinacy, have requested his Majesty to direct some mode, by which the united applications of his faithful colonists may be improved into a happy and permanent reconciliation. We are willing to treat on such terms as can alone render an accommodation lasting, and we flatter ourselves, that our pacific endeavours will be attended with a removal of the troops, a repeal of those laws, of the operation of which we complain on the one part, and a dissolution of our army and commercial associations, on the other.

Yet conclude not from this that we propose to surrender our property into the hands of your ministry, or vest your parliament with a power which may terminate in our destruction. The great bulwarks of our constitution we have desired to maintain by every temperate, by every peaceable means ; but your ministers (equal foes to British & American freedom) have added to their former oppressions an attempt to reduce us by the sword to a base and abject submission. On the sword therefore we are compelled to rely for protection.—Should victory declare in your favour, yet men trained to arms from their infancy and animated by the love of liberty, will afford neither a cheap or easy conquest.—Of this at least we are assured, that our struggle will be glorious, our success certain, since even in death we shall find that freedom which in life you forbid us to enjoy.

Let us now ask what advantages are to attend our reduction ? the trade of a ruined and desolate country is always inconsiderable, its revenue trifling ; the expence of subjecting and retaining it is subjection certain and inevitable. What then remains but the gratifications of an ill judged pride, or the hope of rendering us subservient to designs on your liberty.

SOLDIERS

SOLDIERS who have sheathed their swords in the bowels of their American brethren, will not draw them with more reluctance against you. When too late you may lament the loss of that freedom, which we exhort you, while still in your power, to preserve.

On the other hand, should you prove unsuccessful; should that connection, which we most ardently wish to maintain be dissolved; should your ministers exhaust your treasures; waste the blood of your countrymen in vain attempts on our liberty; do they not deliver you, weak, and defenceless to your natural enemies?

SINCE then your *liberty*, must be the price of your victories; your ruin, of your defeat: What blind fatality can urge you to a pursuit destructive of all that Britons hold dear?

If you have no regard to the connection that has for ages subsisted between us; if you have forgot the wounds we received fighting by your side, for the extension of the empire; if our commerce is an object below your consideration; if justice and humanity have lost their influence on your hearts, still motives are not wanting, to excite your indignation at the measures now pursued: your wealth, your honour, your liberty are at stake.

NOTWITHSTANDING the distress to which we are reduced, we sometimes forget our own afflictions, to anticipate and sympathize in yours. We grieve that rash and inconsiderate councils should precipitate the destruction of an empire, which has been the envy and admiration of ages. And call God to witness! that we would part with our property, endanger our lives, and sacrifice every thing but Liberty to redeem you from ruin.

A CLOUD hangs over your heads and ours; e'er this reaches you, it may probably have burst upon us; let us then (before the remembrance of former kindness is obliterated) once more repeat those appellations which are ever grateful in our ears. Let us entreat heaven to avert our ruin, and the destruction that threatens, our friends, brethren, and countrymen, on the other side of the Atlantic.

By ORDER of the CONGRESS,

JOHN HANCOCK, President.

Attested by
CHARLES THOMSON, Secretary.

PHILADELPHIA, }
JULY 8, 1775. }

